GOD

SAVE THE

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Distributive

Justice and Mercy:

Shewing, that a temporary real Solitary Imprisonment of Convicts, supported by

Religious Instruction,

And well-regulated Labour, is essential to their well-being, and the Safety, Honour, and

Reputation of the People.

By JONAS HANWAY, *Esq;*

LONDON:
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M.DCC.LXXXI.

G.R.III.
B.R.MUS.

ADVERTISEMENT.

IF any of theſe pages ſhould be offenſive to the legiſlature of theſe realms, I will make ſatisfaction, not by a hoſtile or capricious oppoſition, but a rational and humble ſubmiſſion. At the ſame time I ſhall think it more glorious to ſuffer in ſome other way, than, after ſo many years of anxious labour, to leave my fellow-ſubjects inſulted and perplexed by the deſtructive depredations of domeſtic thieves *and* robbers. *The bill has been mangled and diſtorted from its firſt comely form: and if we indulge a penurious impolicy, or a timid irreſolution, the ſervice intended cannot be accompliſhed.*

The utmoſt exertion *muſt now be our watch-word: and whether it relates to valour, or employment in active war, the labour of the induſtrious, or the ſecurity of property, by which we exiſt in freedom, we ought to prepare a proper priſon, for convicts, in Middleſex, Eſſex, Kent, or Surrey, where they may learn to be cleanly in perſon, pious*

and

and laborious; and by the ſalutary potency of ſolitude and proper treatment, deprecate the vengeance of Heaven for offences paſt. Let us ſeek a real ſubſtantial ſecurity againſt the terrors of robbery and violence, as a preparation for the true enjoyment of peace, whenever it ſhall pleaſe the Almighty to grant us that bleſſing; truſting that ſhe will return with "healing on her wings." If we give energy to our police, we may hope for a return, in national happineſs. If our internal polity is pregnant with juſtice and mercy, it will be productive of ſtrength. The arduous ſtruggles which are become ſo neceſſary, will diminiſh in proportion as we act conſiſtently, be it as men, as ſubjects, or as chriſtians. It is thus we ſhall ſhew the world that we are in earneſt in whatever we undertake; and for the ſame reaſon, that we may, by Divine favour, defend ourſelves againſt all the powers of darkneſs!

J. H.

CON-

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ERRATUM.

Pr. 220. l. 1. *for* fourth *r.* third.

INTRO-

INTRODUCTION.

PREVIOUS to the paſſing the act for the *Penitentiaries*, I addreſſed ſeveral letters in the Public Advertiſer to Sir CHARLES BUNBURY, then deeply engaged in preparing the bill. I had the ſatisfaction to find they were received with due regard to the importance of the ſubject of *Solitude in Impriſonment*. The act being *defective*, and not carried into execution, I apprehended it might be of uſe, to *collect*, *arrange*, and *correct* thoſe letters, with my ſtricteſt attention; and ſubmit them, with the *addition* of ſeveral others, to the candid, *humane*, and diſcerning world.

Thoſe who commiſerate the ſad condition of men, who violate the laws of

their country, ſo as to merit *death*, *baniſhment*, or chains; or they who feel for themſelves, with regard to the ſafety of all they hold dear in life, may be induced to *attend* to ſuch an object.—The *conſideration*, how we may all live in *comfort*, and *correct* our fellow-ſubjects, inſtead of *deſtroying* them, cannot be unintereſting. *Steady virtue*, and *firm reſolution*, have not ſo forſaken us, but we may execute an important enterprize in the fields of *civil government*, without which, to judge from events, memorable feats in arms ſerve only to render us more ripe for pride, anarchy, and *domeſtic deſtruction*.

The idea of a houſe, ſtrictly devoted to "*religious inſtruction and well-regulated* "*labour*," is *new* amongſt us; and, except in a few inſtances, ſo is *Solitary Impriſonment*: But *the act in its preſent ſtate, requires offenders to be ſeparated in a partial and inconſiſtent manner*; whereas experience teaches,

teaches, that *intercourſe in priſons* has been proſtituted, not leſs to the diſgrace of human nature, than of all civil and religious œconomy.

This being a work in which the *underſtanding* has a deep concern, as well as the *heart*, we are to enquire how to manage the buſineſs, and on what principles to render it practicable in the moſt eaſy and efficacious manner.

Firſt, *How ſhall we be able to make theſe convicts keep themſelves in a cleanly ſtate?*

Surely this part may be rendered more eaſy, each perſon in his *lodging room*, than where numbers are congregated. Give them ſweet air, and water ſufficient, clean linen at a reaſonable diſtance of time, and a change of garment, there can be nothing to fear. Let their bedding, at certain times, be alſo well beaten in the wind; and inflict puniſhments of *harder diet* on thoſe who are ſlovenly;

and one may venture to pronounce, no jail diſtemper will reign. That which has been, in days paſt, the terror of the nation, in conſequence of congregating numbers in confined places, or not allowing them *neceſſaries for cleanlineſs*, can prevail in this *penitentiary*, only by a *criminal negligence in the executive part.*

Secondly, *Granting it to be eaſy to keep them clean, how ſhall we find employment for thoſe who have no handicraft trades?*

Many of them will be found to be *cutlers*, *turners*, *cabinet-makers*, *ſhoe-makers*, *weavers*, *net-makers*, *penmen*, or *pencil-men*; and others may learn trades, or at leaſt to *ſpin* or *knit*. The labour ſhould be "*well-regulated*;" which comprehends employment of a cleanly kind, not creating duſt, nor ſtench. If a *blackſmith*, a *bricklayer*, or *labourer*, or one unuſed to any work, cannot, or will not, learn ſome manual art, *practicable in the priſon*,

he may *raſp wood*, as they do in *Holland*, or *ſaw wood* or *ſtone*, as the act mentions. This will be ſuited to them who are the *leaſt docile*.

By far the greater number of the *convicts* are *young men*, in the docile part of life; and we may preſume, will apply themſelves to ſome kind of occupation, by which they may *profit*. The inducement of their having ſo much the better food, and enjoying a certain portion of the produce of their labour for their own emolument, when they are diſcharged, will excite a deſire of being employed *profitably* in ſome way or other.

A good intention and laborious effort will moreover be imputed to them, as deſerving favour, with regard to the duration of their impriſonment. Idleneſs will be conſidered as a *crime*; and *Solitude* will ſeek relief by *employment*. Every motive will combine to render them diſpoſed to work.

Perhaps ſome may be ſtubborn at ſetting off in this *puniſhment of forced reflection*, but it will ſoon become the means of putting them in a right train: let them receive the aſſiſtance and advice of the governor of the penitentiary, always reſident in the houſe appointed for him on the ſpot; and the reverend gentlemen, who are their ſpiritual guides, alſo reſident, and watchful of their charge: let the *convicts* be treated with *propriety*, as *man* ſhould be by *man*, their diſtempered minds will heal, and they will receive impreſſions of amity, not of enmity with mankind.

Thirdly, *Let them be cleanly and induſtrious, how are they to be kept in health if they do not go into the open air?*

Cleanlineſs and *induſtry* are great friends to health. It is propoſed, their *lodging rooms* ſhall be large enough to walk in, as well as for *labour* and *reſt*. That the windows

windows ſhall be large, and eaſily opened, to admit the winds of Heaven in copious ſtreams, and therefore they will not eaſily ſicken. There may be ventilators alſo, and inventions to keep every corner of the houſe well *winded*.—The building being ſuch as it ſhould be, in magnitude, there will be more to fear, in this climate, from *cold* than *heat*, eſpecially if the floors are paved.

Here I muſt obſerve, that in caſe of ſtone floors, the men may have cork in the ſoles of their ſhoes, to prevent numbed feet, or rheumatic pains, ariſing from any ſuch cauſe, with cloathing ſuited to their ſituation.

They will alſo have ſome change of their air every day, by going into the chapel.—And when it appears to the *ſurgeon*, always reſident alſo, that the open air is neceſſary to the life of any convict, proviſion may be made in garden-ground, for *ſolitary walks*, and ſome may *work* there.—

The *upper ſtory* may be alſo rendered very airy, and affording a view of the *earth*, relax part of the rigour of confinement to ſuch convicts as may be thought *proper* objects of this preference.

The top of the building may be alſo provided with walks, ſo guarded by diviſions as to prevent every kind of eſcape or aſſociation: and as the moſt *infirm* would require the moſt indulgence, with common prudence, and ſome additional expence, no life need be loſt.

Let us be in earneſt with *God* and *our neighbour!* There will be no inſuperable impediment to this great and good deſign! It is planned on a noble and extenſive ſcale, ſuited to the importance of the object; to execute it on narrow and penurious principles, would be *extreme folly!* To diſtruſt the event, would militate againſt *Providence!* Nothing on earth is *perfect*. The common ſenſe of our country and mankind is, for this trial,

giving

giving it the utmoſt fair play, on its true principles: I am confident we ſhall have no reaſon to complain of its inefficacy.

There is ſcarce any wickedneſs, but ſolitude will work upon it. The moſt obſtinately perverſe are of the enthuſiaſtic kind. We read of a JAMES NAYLOR in the days of the uſurper CROMWELL, who imagined himſelf to be transformed into *Chriſt*, pretending he could raiſe the dead. After much buſtle in relation to him, he was condemned to the pillory, to be whipped, burnt in the face, and his tongue to be bored with a red-hot iron; all which, the hiſtorian ſays, he bore with *great patience*. But when they put him into *Bridewell*, fed him with bread and water only, and ſuffered none of his followers to viſit him, the illuſion vaniſhed, and he went out a *mere mortal* in his ſober mind.

I have had occaſion to mention, that in our ſiſter iſland, *diſcipline* in priſons is ſo well

well ſupported, that ſtrong drink is abſolutely interdicted by law; and what is more extraordinary, *the law is executed.* But the *Iriſh* go further in this rational œconomy. A few years ſince they were building a priſon at *Trim*; not, I believe, for the puniſhment of *convicts*, but the ſeparation of malefactors, having felt the fatal conſequences of congregating felons. How far they have ſucceeded, may be worth enquiry.

At *Armagh*, a priſon is built, under the auſpices of the preſent *Lord Primate*, with ſeparate apartments, on principles of zeal for *humanity* and *religion.* In concert with the county, this benevolent and judicious prelate has pleaded the cauſe of human nature in diſtreſs; and uniting in the common cry of mankind, as a true friend and deliverer of his country, protected the moſt wretched of the human kind, from being inſtrumental to their

their mutual deſtruction, by evil communication.

The *Armagh priſon* extends to perſons apprehended under ſuſpicion. This appeared at firſt view, as puniſhment before *conviction*; but truly, and in effect, it preſerves the ſuppoſed offender from contracting guilt, while it delivers him, who may be found innocent, or not come under the laſh of the law, from the groſs indignity, danger, and *puniſhment*, of being ranked with atrocious villains. This ſagacious effort, exhibits an example of the moſt exalted philanthropy, and ſhould make *England* bluſh, till ſhe reforms all her priſons on the ſame plan.

In the general view of *Solitary Impriſonment*, *judges*, or *juries*, who now acquit a priſoner, not knowing in what manner to chaſtiſe him for his offences, becauſe he does not deſerve a puniſhment, according to the rigour of the law, may, with legal authority, and equal humanity,

condemn

condemn him to a ſhort impriſonment, and preſerve him from the infection with which he is already tainted by bad company. Thus, while *they ſave him from himſelf*, by a temporary reſtraint, and *religious* inſtruction, they may ſave themſelves from the dreadful vexation of torturing law, truth, and common ſenſe; and alſo of trying him again for a farther offence he may commit, before he is ſix months older.

This diſcipline will injure the *trade* of thoſe, who, knowing the ſtate the acquitted perſon is in, conclude he can no more abſtain from *ſtealing*, than from *eating* when he is hungry, mark him for their prey, and wait the premium for *detecting him!* O wretched ſtate of *police!*

Thus we may break up the communities of thieves, and purify the ſource whence ſuch foul ſtreams of immorality flow, by degrees reſtoring the land to peace and ſafety!

I have

I have complained of the number condemned to die, while ſo many reaſons concur to intimidate them from offending, as well as ſeeking employment in arms: I ſtill find the ſame cauſe for *affliction*, by the violences committed, to the diſgrace and terror of the people. * "Ten convicts received judg-
"ment of death; nine were ordered to
"hard labour in raiſing ſand, &c. on the
"river Thames; nineteen to hard labour
"in the houſe of correction; *ſix* privately
"whipped, and one publicly; and *ſixteen*
"to be diſcharged by proclamation!"

What the fortune of the nine, or the nineteen, the ſix or the ſixteen, will be, is more eaſy to judge of, than to reconcile to any hope of reformation. This is the gloomy picture!—*Eight* of the ſame kind are annually exhibited! † Would a *Gentoo*,

* By an article in the Public Advertiſer, December 11, 1780, which I ſuppoſe authentic.

† There are eight ſeſſions.

a *Gentoo*, or a *Hottentot*, believe, that we have *two eyes*, and themſelves but *one*, as a *Perſian* once remarked to me of *his* country, compared with ours? Could any nation ſuppoſe, that our light in religion, laws, humanity, and ſkill, are bright as the meridian ſun? Will they not rather believe we are vain boaſters, ſinking into a ſavage barbarity of manners? What could be their thoughts, upon viewing tranſactions of continual thefts, violences, criminations, and executions?

If there is a God, and a ſtate of rewards and puniſhments after death, let us not think with terror, of labour in the *vineyards of immortality*; nor ceaſe to aſpire at thoſe *civic crowns*, which once graced the temples of the braveſt of mankind! for, whether the fellow-citizen be ſaved from *death*, in the field of battle; or, by reſtraining him from committing violence on his neighbour, the merit muſt be equal, if not, in the laſt caſe, ſuperior.

But

But if we are the inſtruments of Heaven, in ſaving him alſo from *death eternal*, by acting on the glorious principles of the religion we *profeſs*, we ſhall ſoar as far above the *Roman virtue*, as we obtain the *promiſed crown of immortal glory!*

Every motive that can influence the *heart*, or the *underſtanding*, reſpecting this world, or that, to which we are all making ſuch rapid ſtrides, is deeply concerned in *this enterprize!* It may be hoped, we ſhall at length ſhew mankind that we are as conſiſtent and reſolute in *civil*, as in *military* atchievements; and mean to defend our liberty by *preventing* offences againſt each other, which is the true idea of liberty.

Long have we moſt *fouly* and moſt *fooliſhly* blotted our annals: let us no longer hazard our being as deſpicable in the eyes of poſterity, as we are *now* tormented by the fear of danger, from the undiſciplined ſpirits and impiety of ſo great a portion of our fellow-ſubjects.

Jan. 1. 1781. J. H.

LETTER I.

Introductory.

SIR,

I Congratulate you on the national virtue of your attempt.

The miſerable ſtate of our priſons, has been often agitated, without producing any *effectual relief*. What ſignifies talking of defects in the *execution* of laws? The laws themſelves are defective.

You are endeavouring, Sir, to make a beginning. It is not to be expected you will acquire great applauſe from the multitude; but you aſpire at a good ſuperior to what the world can give or take away.

If I remember right, the great Mr. LOCKE makes this remark, *That the more obvious the truth, the leſs mankind regard it.* This is in no inſtance more ſtrongly veri-

fied, than in our atrocious negligence, in not making ſuch ample proviſion of priſon-room, as is neceſſary to correct offenders. Without this, it is obvious we cannot put the axe to the root, nor reform the iniquities of a great part of our fellow-ſubjects, and *ſave them from themſelves.*

It is apparent, that our indiſcretion, in the miſmanagement of priſons, as well as in not having room for the ſeparation of malefactors, nor proviſion for their religious inſtruction, are the cauſes why their number is become ſo formidable. I will go further, in declaring my opinion, not taken up at a venture, that this cauſe imperceptibly operates to render the common people in general ſo deficient in principle, and the practice of their duty to God and the community.

The conferences which I had with you, in company with the late Sir CHARLES WHITWORTH, give me a title to the communication of my thoughts, on this occaſion.

ſion. My life is drawing near its end, and I would not neglect any thing which I apprehend may be uſeful; and the more, as I have been, in a diſtinguiſhed manner, called upon, as it were from the manſions of the grave, by one who was a good evidence of the horrible immoral miſguidance of our *capital priſons*; of which I ſhall relate ſome particulars.

I am, Sir,

Your moſt humble,

And obedient ſervant,

Red Lion Square,
March 9, 1779.

J. H.

LETTER II.

The Advantages of Police. Number of Convicts in England and Wales.

SIR,

YOU are perfectly ſenſible that every one, who is in the leaſt degree acquainted with our penal laws, acknowledges their extreme ſeverity. They were intended to intimidate a people of a daring temper, but at the ſame time ſuppoſed they had too deep a ſenſe of good and evil to render capital tranſgreſſions ſo familiar. If it were not for the clemency of the crown, and the mercy of judges, juries, and evidence, we might now hang by *hundreds*. This might demonſtrate the cruelty of our laws, but peradventure, ſtriking offenders with terror, prove that vice muſt be puniſhed; and that liberty and virtue going hand in hand, as twin-born from heaven, will live and die together:

gether: The glory of a free people being to *know their own felicity*, their laws muſt be the more guarded, not to offend or diſtreſs each other.

A regular *police*, extended to all ranks, is as eſſential to liberty, as the beſt-digeſted code of civil laws. Nocturnal ſcenes of expenſive diſſipation, *gaming*, and *concubinage*, ſo contrary to religion and good-manners, in high life, is always followed by nocturnal ſcenes of diſſipation, drunkenneſs, and promiſcuous commerce, in low life; and to this *Thieving* as naturally becomes a concomitant, as eating to hunger. He who ſhews his inferiors an evil example, doth ſo far untie the bands of civil ſociety, and teaches them to abandon moral and religious obligations.

If our young women wear off their native modeſty and ſimplicity, and are not contented with the *hours of reſt* which nature has appointed, it muſt be expected they will ſpend them in a manner, which

reaſon and religion forbid: and if the young men, or the old ones, countenance them, what can follow but an eſtabliſhment of pernicious practices?

To ſay we cannot have a *ſtrict police*, becauſe we are a *free people*, is in effect to ſay, that it is the nature of freedom to *deſtroy* itſelf; and that we muſt be undone: whereas anarchy and liberty are as heterogeneous as fire and water.

No human laws, abſtracted from religion, are adequate to the government of a nation. To be mindful of the duty we owe to the Supreme Being, and hear the threatenings of puniſhment after death, is the muſt ſolid ſecurity, that the laws of ſociety ſhall not be violated.

This being granted, we gradually approach the important ſubject before us.—If our *penal* laws are ſo ſevere, that they cannot be executed, we are in a worſe condition than if no ſuch laws exiſted,

The

The laborious philanthropiſt Mr. HOWARD informs us, that in the ſpring, 1776, the number of priſoners in certain parts of theſe realms ſtood thus:

	Debtors.	Felons, &c.	Petty offenders.
In Middleſex, comprehending London, Weſtminſter, and the King's Bench	1274	228	194
39 counties in England — —	752	617	459
12 counties in Wales	67	27	—
City and town gaols	344	122	—

From hence it appears, that we have above *one-fifth* of the evil-doers, of the whole kingdom, in the neighbourhood of London. We alſo learn that there were pent up, at one time, of the king's ſubjects, comprehending Bridewells — 4084
Of whom were felons — — 994
And petty offenders — — 653
The remainder being *debtors*, amounting to — — 2437

Whatever our ideas may be, in this free commercial ſtate; in the united provinces of the Netherlands, where the ſtricteſt police is obſerved, men are liable to have their fortunes ſeiſed for their debts; but the creditor has it not in his power to exerciſe tyranny over the debtor, by firſt ſeducing him, as often happens, by giving him a laviſh credit, and then *confining* him, as if he were a felon.

In the general view of our ſubject, I muſt remark, that if there were 228 felons at one time impriſoned in theſe cities only, eight ſeſſions, of an equal number of malefactors, would give us 1824; and probably this number is ſhort of that which really exiſts; and what a formidable number it is!

From 1749 to 1771, the number tranſported, upon a medium, eight years of the time the nation being at war, was yearly —— — 373

In 1773 to 1775, incluſive, the medium number

number tranſported, which nearly correſponds as above, was —— 393

We generally form our judgment by what we ſee: but let us contemplate the number of felons *in priſon*, in the kingdom at large, at one time, excluſive of theſe cities and this county;

In 1776 it was —— 766

And petty offenders —— 459

The communications over all parts of the kingdom being ſo eaſy, felons ſeem to encreaſe in number, from this cauſe: at leaſt in days of ſimplicity of manners, when the people had no occaſion for ſuch vaſt ſupplies of money to be devoted to *amuſement*, the bold and daring among the common people had not ſuch examples as we now ſet before them; they had not ſuch temptations to practiſe the arts of villainy, to gratify their appetites or their fancy. We ſhew them the road to the gallows; and at the ſame time uſe no *proper* means to reform, or remind them of their danger.

In

In my early days, a robbery in the country was very rare. A peaſant would riſe in arms againſt a hoſtile invader: but *cuſtom* familiarizes the worſt of evils: and we ſee ſo formidable an encreaſe of felony, that if *proper means* are not uſed to work a radical cure, let it coſt what it may in land, brick and mortar, air, water, fire, and means of induſtry and labour, we ſhall plunge deeper in the filth of indolence, till we become ripe for vengeance!

I am, &c.

J. H.

LET-

LETTER III.

State of Executions and Tranſportations from 1749 to 1771.

SIR,

IN order to inveſtigate our object radically, it is neceſſary to remark, that the average number of *felons*, mentioned in my laſt, as annually tranſportable, viz. from 1773 to 1775 incluſive, as *delivered* from *Newgate* only, was ——— 393.

The number from other parts of the kingdom, brought to other priſons, might make it more conſiderable.

The account given by Sir STEPHEN THEODORE JANSSEN, of 1749 to 1771, ſtands thus:

Of 120 ſeſſions at the *Old Bailey* (*eight* in a year) in *fifteen* years of peace only one was *maiden*; but of *ſixty-four* ſeſſions in *eight* years of war, *nine* were *maiden*; ſo that in the comparative view of thoſe times and theſe, I apprehend we ſhall now find a more

a more iniquitous and unruly generation.

The general account of the above 23 years, from 1749 to 1771, ſtands thus:

Sentenced to death	——	1121
is annually near	——	49
Actually executed	——	678
is annually a little ſhort of	——	30

This is in ſome meaſure accounted for by the nine *maiden ſeſſions*. But if we examine forward, I fear we ſhall find the number, at the leaſt, half as many more, if it is not doubled: And what concluſions can we draw, but that wickedneſs has encreaſed?

During the ſame time there have been tranſported, ſome for 7, others for 14 years —— 5199

Ditto by the king's mercy, after ſentence of death, (being part of the 1121) —— 401

—— 5600

This is annually —— 243

Note, in 1775 it was —— 393

If we contemplate this grievous loſs of

5600 ſubjects, without a ſingle *rational effort* made to reclaim them from their evil ways, we muſt lift up our eyes in wonder! Hardly one in twenty ever returns to his own country, unleſs it be to take up his old trade. By this we learn the encreaſe, in theſe later days, in the arts of villainy.

The number from this port of London, ſubject to tranſportation, ſtands thus:

From November 1769 to May 1776	960
From which deducting one-fourth for *women* —— —	240
There will remain, men — —	720

Here is another army. The number uſually ſhipped from *Briſtol*, *Liverpool*, &c. ſentenced for tranſportation or *hard labour*, and actually tranſported, is alſo conſiderable, inſomuch that on an average of *ſeven years*, one contractor for convicts annually exported, and actually ſhipped off from the Thames —— 473

This in ſeven years makes a battalion of —— —— — 3311

And

And far better it is that ſuch an army, being *enemies* to the peace of the community, ſhould be removed: but ſhall we not intereſt heaven and earth to render them our *friends*; that, inſtead of ſpoiling the goods of their neighbour, they may add to the common ſtock?

What part of theſe 473 were brought from other *counties* I know not: at this time the convicts on the Thames are — 510

It is eaſy to draw this concluſion, that the *new Newgate*, ſuppoſing an infirmary to be provided in order to afford ſome room, and prevent contagion; and the new *Clerkenwell New Priſon*, upon their preſent eſtabliſhments, can do very little towards reforming this claſs of mankind.

We act as if reformation were exploded, though it ſeems to be as truly neceſſary to the welfare of the nation, as food to ſupport the human body.

I am, Sir,

Your's, &c.

J. H.

LET-

LETTER IV.

Neceſſity of a Remedy by ſolitary Impriſonment. Farther account of Executions and Tranſportations.

SIR,

UPON viſiting the new Clerkenwell priſon, not then completed, I had the mortification to find that no ſeparation for priſoners had been thought of. I took notice of it to the keeper, who attended me: His reply was, that ſuch a plan would require a much larger compaſs of ground, and a greater expence. Common ſenſe and charity forbad his ſtarting any other objection.

Thus are we plunging on, as if we were determined to be moſt penurious in the article which requires moſt liberality; and in effect, in the iſſue, to ſuffer a thouſand pounds loſs to ſave ten pounds. Will not the voice of heaven, nor earth, reach our hearts,

hearts, as well as our underſtandings, that we may follow the dictates of reaſon and religion, not heſitating at the expence, but at the enormity of the evil which renders the expence ſo neceſſary.

Middleſex is the grand rendezvous of our dangerous inteſtine enemy. This county ought to be our primary object, though it is by no means the only *paſs* we have to guard.

If one capital county priſon, for puniſhment by *impriſonment in ſolitude*, were actually begun near London, we may venture to foretell, that thoſe who are now inclined to rapine, would *begin to conſider*, that the trade of honeſty, which gives freedom and ſocial intercourſe, is better than that of a thief, whoſe fate muſt be to be hung by the neck, or ſhut out from among the *living*, to ſpend his time in *ſolitude*. Such knowledge would ſpeak to the heart like a voice from heaven, to warn offenders of their danger! One may

venture

venture to pronounce it would have this effect, on creatures endowed with reaſon and ſocial affections. Wickedneſs does not ſeize a man ſuddenly, as the cholic or an ague. Let him think of the puniſhment, even in this life, and he will ſtartle at the event.

That the evil has ſpread, and drawn a dark cloud over the land, is apparent beyond all diſpute!

The *Norfolk circuit*, according to the accounts before me, viz. from 1750 to 1772, (eight years of this period the nation being in war) ſtands thus:

Condemned to death —	434
is annually near — —	20
Actually executed — —	117
is annually —	5
Reprieved for tranſportation —	308
is annually — —	14
Sentenced for tranſportation —	874
is annually near — —	40

This account is however comparatively very ſhort of *Middleſex*.

The *Midland* circuit, for the ſame time.

Condemned to death	——	518
is annually	——	24
Actually executed only	——	117
is annually	——	5
Tranſported	——	1057
which is annually	——	46

Theſe accounts prove the futility of our laws; and the event evinces the inefficacy of relaxing their rigour, unleſs we alſo uſe proper ſalutary expedients.

Here we find in two circuits, reprieved for *tranſportation*, and ſentenced for tranſportation, in 23 years, the number of 2239.

The additions of the three numbers already mentioned, if one is not blended with the other, actually make —— 8504

Theſe men were in youth, for the moſt part the flower of the people; and if we reckon their probable encreaſe, we might compute what a loſs we ſuſtain!

Again, if we ſuppoſe a man to live, and do work, on an average, from eighteen

to

to thirty-eight years of age, and gain clear to the community yearly ten pounds, he may be valued at two hundred pounds. Thus, in a pecuniary view, we have loſt 1,700,800*l.* or, in this proportion, for ſo many of theſe men as might really have been preſerved to the nation. This ſum may ſtartle every one; but how much more, the blood which has been ſpilt! Might not a tenth part of the loſs, making a reaſonable proviſion, for the purpoſe of priſon-room, have prevented it? And what ſhall we reckon to be the value of the deſtruction of morals, created by bad examples?

The *Oxford* circuit for *ſeven* years, to 1771, gives a remarkable proof of the greateſt mercy, on the ſide of the law, and our wanton abuſe of the liberty of impriſoning each other. So unprofitable, and abſurd a conduct, tends only to wear off the ſenſe of ſhame, which is the grand preſervative of *character*, and the ſecurity

to ſociety for the moral conduct of individuals.

I reaſon thus, from ſeeing ſo many impriſoned.

Not guilty, diſcharged	——	615
By *proclamation*, ditto	——	293
		908
Burnt in the hand	— —	47
Whipped	— —	48

By this account we ſee, that our *juries* and *judges* are paragons of mercy: but is it to be conceived that all theſe nine hundred and eight perſons were *innocent*, before they were confined, or not corrupted by *confinement?* Upon the face of this account one may ſuppoſe, that the greater part, however, ought not to have been impriſoned, it ſerving only to diſgrace them; and t[illegible] the leſſer, ſtood in need of ſalutary [illegible]onfinement in ſolitude for a ſeaſon, that they might be taught not to offend for the future.

Thus it becomes a queſtion, whether it was the greater evil to put them *into priſon*, or to take them *all out of it*, without diſcipline, or diſtinction?

I ſay this with a view to that equitable plan of confinement, which may meaſure the degree of puniſhment by the nature and degree of the offence; and that which would probably make the offender the better for his confinement, ſuppoſing him to have fallen under the laſh of the law, not render it inſtrumental to his deſtruction, in the manner our preſent mode confeſſedly operates.

In this view, thoſe who might hardly come within the *uſual degree of criminality*, to fit them for *tranſportation*, might be ſentenced for a month or two, to *ſolitude*, as now practiſed with apprentices, to great advantage to the offender, and the community at large.

I am, Sir, your's, &c.

March 15, J. H.

LETTER V.

The Cruelty of mixing Priſoners.

SIR,

THE eſtimate of a part of our loſs in 22 years, by ſending malefactors out of our country, appears to be, allowing for all deductions, and the additional numbers dead, which I did not take into my account, at leaſt 100,000 *l.* per annum. This alſo is independent of the havock made of the morals of the people. The diminution of numbers, which might have been ſaved, had proper priſons for their cuſtody been provided, at an expence of leſs than half a million for the whole kingdom, on a ſuppoſition that theſe men are corrigible, is very great! I grant that *ſome* of them might be irreclaimable; but to reaſon from facts, and the moral conſtitution of things, the effect will follow the

the cauſe, be it *good* or *evil.* The only good that comes of our preſent rule of conduct, is to cut off ſo many evil-doers.

It is not without ſorrow I am impelled to expatiate on the illiberality of ſentiment; the impolitic and irreligious inattention, which have ſo long marked our general conduct, both in the moral and political view, reſpecting the ſubject before us.

Is there an event, in the whole compaſs of hiſtorical record, more aſtoniſhing than our *negligence*, in regard to our *priſons?* A nation ſo renowned for good ſenſe and humanity; ſo juſtly boaſting of liberty in its trueſt latitude; yet ſo grievouſly vexed by *thieves* and *robbers*, under denominations too many to enumerate, is no where elſe to be found. And will it be credible to poſterity, that, by defect in *police*, and falſe parſimony, we ſubmitted, as if the evil were irremediable. Many cauſes contribute; but the chief reaſon is obvious.

There is ſcarce a nation whoſe character

is not ſullied with ſome wicked or abſurd cuſtom; but we are ſo pre-eminent in numbers of criminals, it is a ſore blot in our reputation! Other countries may be under the curſe of moral blindneſs, with reſpect to the conſequences of aſſociating felons in their impriſonment; and, to ſave expence, violating the moſt ſacred rights of human nature, in regard to the proper means of *reformation*; but their eyes begin to be opened: beſides, the nature of their governments, and the different genius of their people, render the evil leſs formidable to them than it is to us.

I have lived in ſeveral countries, which are not ſo civilized as my own, but the cauſe of complaint has no where exiſted in the ſame degree as with us.

The firſt object which muſt ſtrike every man, capable of conſidering the common events of life, is the cuſtom of thruſting thoſe who are accuſed, *and may be innocent*, as thouſands are judged to be,

into

into the company of veteran thieves and murderers, ſuch as are known to be atrocious criminals. Such commitments to priſon are ſo *familiar* with us, the cuſtom adds ſin to ſin, and folly to folly, till the evil is grown to a prodigious magnitude! This conduct wears a viſage more ſtern than eaſtern tyranny; and becomes criminal in the degree that the community is inſtrumental to the evil that befals their fellow-creatures.

If the *repreſentatives* of a people are bound to enact ſalutary laws, and regulations for their preſervation, they are to anſwer to God and their country. We may hope the day of our redemption from this calamity is near at hand; and that we ſhall adopt meaſures, effectually to prevent that diſtreſs which grows from the neglect of providing *ſufficient priſon-room*, and a judicious *priſon-œconomy*.

Numbers are plunged into priſon, being found in *bad company*; and we then

then oblige them to aſſociate, with that which is ten times worſe! Where is the piety, humanity, or the common ſenſe of this conduct? When *compaſſion* ſhould diſplay her attributes in all the glory of celeſtial mercy, we act *unmercifully:* I will ſay we act cruelly. That we are *cruel* to the innocent, as well as to the *untaught*, the *undiſciplined*, and guilty, in almoſt every commitment to priſon, where priſoners are mixed indiſcriminately, cannot be denied: and I will be bold to ſay, we often act a more dangerous part than the criminals themſelves, with regard to the effect of the impriſonment. When ſhall we change our plan!

I am, Sir,

Your's, &c.

March 16. J. H.

LET-

LETTER VI.

The Cruelty of not uſing Prevention.

SIR,

I Readily grant, that we ſoften the rigour of our laws, with reſpect to the gallows; but till we make proviſion for *prevention*, we aggravate the evil which the gallows was intended to prevent. We encourage offenders to be the inſtruments of their own deſtruction, inſtead of teaching them how to avoid it!

For mercy's ſake, let us purify this turbid ſpring, that the ſtream may run pure. The firſt obligation in a wiſe ſtate, is to conſider what human nature is; what is the particular temper of a people; and what *experience* teaches, in regard to the management of them.

That *juſtice*, in every view, is due, even to a criminal, is indiſputable, comprehending the great law of doing as we think in reaſon we ought to be done by.

Let

Let us break the link of that fellowſhip in wickedneſs, which renders our ſituation ſo dangerous, and make our lives as happy as they can be.

Every circumſtance corroborates the proof, what numbers might have been, and what numbers *may be* ſaved, by a proper treatment in ſolitude and well-regulated labour, with due inſtruction, and *rational* and *religious* treatment.

Mr. HOWARD, who with unceaſing labour and hazard to life, has explored ſo many regions, and viſited ſuch vaſt numbers of ſcenes of miſery, when he mentions the wickedneſs of *our* criminals *in priſon, and when diſcharged*, obſerves, that "it is as eaſily accounted for, as the propagation of a diſeaſe. It is often ſaid, "*a priſon pays no debts*; I am ſure" ſays this gentleman "it may be added, that "a priſon mends no morals." He adds: "*Sir John Fielding*," whoſe experience is ſo great and extenſive, remarks that

"a

" a criminal diſcharged, generally before " the next ſeſſions, after the execution of " his comrades, becomes the head of a gang " of his own raiſing;" " improved" (as Mr. HOWARD obſerves) " in ſkill, by the " company he kept in gaol:" and petty offenders, who are committed to *Bridewell* for a year or two, and ſpend that time, not in hard labour, but in *idleneſs* and wicked company, or ſent during the ſame period to county-gaols, generally grow deſperate, and come out fitted for the perpetration of villainy.

Mr. HOWARD goes on to obſerve, " how directly contrary this is to the in- " tention of our laws, which is to correct " and reform offenders: inſtead of which, " their confinement doth notoriouſly pro- " mote and encreaſe the very vices it was " deſigned to ſuppreſs."

If I could flatter myſelf into a perſuaſion, that the doctrine of *ſolitary impriſonment* had made a deep impreſſion on the

the minds of my fellow-ſubjects, I ſhould be aſhamed to urge its advantages, theſe being ſo very obvious: but ſuch propoſitions requiring the labour of inveſtigation, and a mind formed by ſentiments of an enlarged humanity, ſupported by experience, or knowledge of the evil, will never become familiar to thoſe who think but little, or wallow in voluptuouſneſs. I now truſt *your* labours will be effectual.

I am, Sir,

Your's, &c.

March 17. J. H.

LET-

LETTER VII.

Obſervations on the State of our Priſons; with Dr. Dodd's Remarks, when confined in Newgate.

SIR,

THE conſequences of mixing priſoners, are finely expreſſed in the following extract: "The miſery of "gaols" (meaning the ſimple confinement and want of neceſſaries) "is not half "their evil: They are filled with every "corruption which *poverty* and *wickedneſs* "can generate between them; with all "the ſhameleſs and profligate enormities "that can be produced by the *impudence* "of *ignominy*, the *rage* of *want*, and the "*malignity* of *deſpair*. In a priſon, the "awe of the public eye is loſt; and the "power of the law is ſpent: There are "*few fears*; there are *no bluſhes*. The "lewd inflame the lewd; the audacious "harden the audacious. Every one for-

"tifies

" tifies himſelf, as he can, againſt his own " ſenſibility, and endeavours to practiſe " upon others, the arts which are prac- " tiſed on himſelf; and gains the kind- " neſs of his aſſociates by a ſimilitude of " manners."

This deſcription is ſimilar to that which I once received directly from a priſoner in *Newgate*; ſeveral of my acquaintance confirming it to me. Shall we not, in anguiſh of ſoul, deplore the ſufferings, and the diſgraces of human nature?

Let there be ſufficient room, for each priſoner to live in health, with books of inſtruction, active labour, and peaceful reſt; humble ſubmiſſion will follow. Heaven, in mercy to offenders, will open their underſtandings to a ſenſe of their guilt; and repentance will reſtore them to a right judgment of their condition.

Among other benefits of ſolitary impriſonment, I muſt mention the probable prevention of the *gaol-diſtemper*, which in

times

times paſt has plunged ſo many innocent perſons into an untimely grave.

How many *criminals* become ſuch by unfortunate connections! let them be properly ſeparated, and the line of their puniſhment may be drawn with the moſt judicious and merciful preciſion.

Many *offences*, which the laws now condemn to death or tranſportation, may be conſidered with equal commiſeration and diſtributive juſtice. The characters of offenders—the occaſion—the temptation—the variety of circumſtances attending crimes, and criminals, with the probability of their becoming good, or continuing in evil courſes, may be weighed in an equal balance, and the *unavoidable* defects of *law*, corrected by the *equity* of a ſuitable *impriſonment*, for a ſhorter or longer time, as mercy and judgment may dictate.

I mentioned to you, in my *firſt* letter, the correſpondence which I held with thoſe who knew, experimentally, the miſe-

ries to be found in our capital priſon. I have ſeen them alſo in other quarters. Dr. Dodd, who wrote letters to me from Newgate, was diſtinguiſhed more than any priſoner we have had of late years. In addition to his education, he enjoyed the advantage of a room, to his own uſe, in his impriſonment; but hearing what was paſſing in the tumult of the priſon. He had but little reaſon to entertain a hope of protracting a miſerable life, which I can hardly believe he was weak enough to wiſh for. Having requeſted of me to ſend him the pamphlet which I had publiſhed near that time, upon the ſubject of *ſolitude in impriſonment*; having, as I conclude, read it with the utmoſt attention, he conjured me, as I regarded the good of my country in generations to come; and had faith in the religion which I profeſſed, to contribute to the utmoſt in my power, in promoting the plan I had recommended; complaining of the *horrible* blaſphemies with

with which his ears were continually assaulted.

In the poem which he wrote during his confinement, he bursts into this eulogium on *solitude*.

" Devotion's parent; Recollection's
" nurse,
" Source of repentance true; of the
" mind's wounds
" The deepest prober, but the safest cure!
" Hail sacred *Solitude!* These are thy
" works,
" True source of good, supreme! Thy
" blest effects
" Already on my mind's delighted eye
" Open beneficent. Ev'n now I view
" The *revel-rout dispersed*: Each to his
" cell
" Admitted silent! The obstreperous cries,
" Worse than infernal yells; the clank
" of chains—
" Opprobrious chains, to man severe dis-
" grace,

" Huſh'd in calm order, vex the ear no
" more !
" While, in their ſtead, *Reflection's* deep-
" drawn ſighs,
" And prayers of humble penitence are
" heard,
" To Heaven well pleaſing, in ſoft whiſ-
" pers round."

Such were his thoughts when he was preparing his ſoul for eternity ! and happy, thrice happy will it be, if by means of ſolitude and labour, and a judicious mixture of juſtice and mercy, every ſubject may be ſaved to the ſtate, and every ſoul to Him that gave it.

I am, Sir,

Your's, &c.

March 18. J. H.

LET-

LETTER VIII.

Dr. DODD's *Reflections in Newgate.*

SIR,

DR. DODD, whom I have mentioned, gave the ſtrongeſt evidence to the propriety of the principle you are purſuing. The diſtreſs which he had brought upon himſelf, required every aid which heaven or earth could beſtow. His cataſtrophe conveys a ſtrong leſſon to us, and to our children, how far a wanton expence, created by lawleſs deſires, may draw on the heads of offending mortals the iron hand of juſtice! Many a gentleman, and other inferior perſons, have, from the ſame cauſe, ſaved the executioner the trouble of hanging them.

The Doctor having forfeited his life, Providence was indulgent to him in his death. A man of inferior education, having an apartment reſerved for his own uſe, free from the contagion of evil companions,

might be induced to *think*; but he having learning, imagination, memory, and the power of reaſoning, was invoked by *ſolitude* to devote his hours to religion. *His Thoughts in Priſon*, which is beyond diſpute a genuine work, gives evidence of repentance; and whatever faults it may have, there is ſtrong piety, ſtrong ſenſe, and for the moſt part, ſtrong poetry.

We are compelled to give him full and ample credit for what he ſays on the ſubject of *ſolitude in impriſonment*. In his letter to me, occaſioned by the pamphlet I have mentioned, he ſays, "*the true end of all government is the reformation of evil-doers.*" He might have added, that ſome muſt fall victims to the laws; but the general principle is juſt, and the means of obtaining it, as obvious as our practice is repugnant to common experience. In another letter he uſes theſe words; "*the confuſion, blaſphemy, and horror*, which reign in this priſon, &c."

&c." Chains, and bars of iron, or tremendous walls of ſtone, have ſometimes been the lot of the moſt virtuous men; but the violation of the laws of religion and common decency can be the produce only of impiety.

As a priſoner ſo much above the common level, his reports of what he ſaw, and heard, merit a more than common attention. It was a ſtrong proof of the force of habit in writing, and a preſumptive evidence of his reconciliation to death, that he could employ his hours, in priſon, in the exerciſe of his pen, with ſo much conſiſtency of thought; and give ſuch colours to his imagination, crouded with a ſenſe of ignominy. Nor was it leſs an evidence of *contrition*, that he made ſuch energic appeals to Heaven for mercy. Many of the "thoughts are the genuine effuſions of the heart, correſponding with his dreadful ſituation*." And if we con-

* Critical Review.

ſider this compoſition as flowing from bitter anguiſh of ſoul, amidſt the horrors of a priſon, it is a work which we muſt charitably ſuppoſe, only *penitence* with reſpect to himſelf, and *humanity* in regard to others, could dictate.

For Heaven's ſake, let us try to ſtop the progreſs of the evil which preys on the body politic, in the violation of the ſecurity of every individual, remembering that our liberty cannot ſurvive our virtue. As rapine and violence reign, in whatever form they appear, we may eſtimate the declenſion of our civil and religious freedom.

I have lived under many kinds of government, and ſeen and felt various kinds of miſery; and I have learnt that miſery is the lot of man; it is the degree of it againſt which we are to guard. We labour under many moral diſeaſes, but particularly that of thinking, in the wantonneſs of liberty, and the pride of heart, that we

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can be good friends to our country though we are falſe to ourſelves. If we are not more watchful of the morals of the huſbandman and manufacturer, the labourer and mechanic, from whom we draw our ſoldiers and ſailors, we ſhall find ourſelves bewildered. Property and life being guarded by law, will ſignify but little, if a principle of moral rectitude is not maintained by the joint labours of the *prieſt* and the *priſon*.

I am, Sir,

Your's, &c.

J. H.

LETTER IX.

The high Advantages of the Plan propoſed.

SIR,

WHAT are the appendages of fortune, even on a throne? In every ſtation wherein a man is placed, his glory is the exerciſe of his reaſon. Let him cheriſh it by his faith; and the influence of That Spirit which pervadeth all things, will reach his heart, and he will repent of the evil he has done, and be more guarded for the future.

It is the attribute of the Almighty to try every expedient to render men ſubmiſſive and obedient to his laws. Let us now teach our deluded fellow-ſubjects what their true intereſt is, before it is hid from their eyes, by the decree of Heaven. Let us *all* learn, that *occaſional ſolitude*, in common life, will inſtruct us how to judge of the mode of governing ourſelves, and

and other men, better than a continual flutter can teach us. It is thus we ſhall diſcover that *juſtice* muſt tame, what *mercy* cannot ſubdue.

The ſolitary impriſonment propoſed is compounded of both juſtice and mercy: it carries with it the enſigns of terror, and the banners of peace and good-will towards man: and by it, the miniſter of ſtate, down to the meaneſt domeſtic, may learn the meaning of that ſentence: "He that ſaveth a ſoul from death, ſhall ſhine as the ſtars in heaven!"

Our object, Sir, is nothing leſs than the *ſouls* and *bodies* of the moſt miſerable part of our fellow-creatures, our fellow-Chriſtians, for ſo they were born, and our fellow-ſubjects. In every relation we ſtand bound to do them all the good we can, and prevent all the evil.

Through the inattention of their parents, teachers, or maſters, and by the blind impetuoſity of their paſſions, many

invite

invite the iron hand of *juſtice*; let us, with all due circumſpection, enquire how it may be moſt effectually exerciſed to obtain the end in view.

The great queſtion is, *how* we ſhall temper *juſtice* with *mercy*; and in the din of war, and the calm retreats of peace, think of the benignant Lord of all, who *promiſes* mercy to them that *ſhew it!* The object before us is not leſs ſerious in a *religious* than a *political* view; and though it is not the faſhion of the times to blend *religion* with politics, it proves that the *times* and the *faſhions* are off their hinges.

Our *penal* laws do not diſtinguiſh the thief of *five ſhillings* from him who ſteals *five hundred pounds*; the young offender from the veteran robber; nor the murderer from the pick-pocket. *Death* is the word. And can we ſay ſuch laws are adapted to the ſtate of the people, and harmonize with the principles of our religion?

ligion? They muſt be acknowledged defective.

This being evidently our caſe, our great object is to adopt a plan fitted in all reſpects to the exigencies of the times, and the condition of human nature, with a ſtrict regard to the general *health*, or in other words, the common preſervation of the people. If like ſheep many of them go aſtray, ſubject to be devoured by their ungovernable paſſions, let us conſider how we may *curb* and *ſoften* thoſe paſſions into a religious, humane, and obedient temper, ſuch as promiſes moſt fair to promote eaſe and ſafety, mutual affection, peace, and Chriſtian love.

I am, Sir,

Your's, &c.

J. H.

LET-

LETTER X.

The ſingular Benefit of the Plan propoſed.

SIR,

WHATEVER ſhall pleaſe the wiſdom of parliament, whether to renew the cuſtom of tranſportation, and ſend any part of the convicts to *Ethiopia*, or to explore regions yet untrod; I hope, the ſalutary confinement propoſed, being properly digeſted, will be treated with the regard due to it.

Let improvements be made in the Hulks, where improvements are wanted; and in other priſons, now ſo ill adapted to the *health* and *reformation* of priſoners, I ſtill contend for *ſolitary impriſonment*. Under this banner I militate. The ſpirit of Dr. DODD ſhall not haunt me for any neglect of the promiſe, which I was underſtood to have made to him. The obligation, whatever it amounted to, harmonizes ſo perfectly

perfectly with my principles and inclination, that no man can be more ſincere in any thing, than I am, in what I advance on this ſubject. And I will add, that if parliamentary ſanction is given to the deſign, I believe that conſiderable ſums might be raiſed by *voluntary* contributions in the county, for the building a capital county priſon in *Middleſex*, for the *reception*, *reformation*, and conſequently the *preſervation* of *convicts*, upon the foundation of the propoſed œconomy. I ſay this from knowing the ſentiments of ſome perſons of fortune; and not from an opinion that an object of ſuch high importance ſhould be left to any ſuch precarious iſſue.

Conſider, Sir, the thouſands who, in proceſs of time, may, by this means, be ſaved to God and their country! All things happen for good to the *good*, and to profit by every event, is the ſureſt token of human wiſdom. We have had ſad experience of a capital evil: Happy will thoſe be

be who contribute moſt to alleviate the force of ſuch evil. It will create an exalted pleaſure in the breaſt of all who are anxious for the welfare of their country, when they think of an expedient, which they believe will anſwer ſo important a purpoſe.

If Divine Providence at length ſuggeſts to us the means of correcting offenders, who come under the public cognizance, guilty of death, or tranſportation, it is a ſubject of joy. As to thoſe criminals, whom neither the laws, nor the ſovereign, judge ſafe and proper to truſt with life, they muſt reſign it. On the other hand, if the medicine propoſed reaches the root of the diſeaſe, as it probably will, we may hope to ſee happy effects, not only in the preſervation of great numbers of convicts, but alſo by eſtabliſhing ſuch *examples of piety*, under a ſenſe of guilt, where it was leaſt expected, as may preſerve others, who, if they had not been warned, might

have become victims to public juſtice. And what numbers are in real danger!—When we read in this day's *Public Adverti*ſ*er*, that there are about *eighty priſoners* now confined for felony, to be tried, the day after to-morrow, at the Old-Bailey, our hearts ought to feel as if ſome deadly intelligence were given us: Deadly it may prove to ſome of *them!* Eighty on one ſpot, in time of war, and collected in the ſhort time of ſix poor weeks!—It is a melancholy event, and the more, as it is ſo common!

Doth this afford any evidence, that the *Hulks*, or any other expedient, now in uſe, are really effectual, or in any degree correſpond with the neceſſity of reformation?

I am, Sir,

Your's, &c.

LETTER XI.

Reaſons drawn from Religion and Humanity for Solitary Impriſonment.

SIR,

I FEAR it is too true, that the faſhion of the times, whether in high and elegant, or in low and vulgar life, allows but little time for *thinking*; and conſequently that generous, pious freedom of thought is the greater ſtranger to our breaſts. And I will add, that under ſuch circumſtances we muſt not wonder, if the doctrine of impriſonment in ſolitude, for the reformation of malefactors, ſhould be treated by ſome with cold indifference, and by others, with a ludicrous contempt: But if ſo it really be, it ſhould rather enforce the neceſſity of a rational trial of it.

To deſpair of the commonwealth, is the next greateſt evil to an attempt to deſtroy it. We may preſume that many who do

not

not ſtrive to reform themſelves, by recollecting *what they are about*, wiſh to reform *others*, whom they eſteem ſo much worſe than themſelves.

Neceſſity is indeed come upon us, like an armed man; and if we are not accuſtomed to think with a pious regard to the ſafety and welfare of our country, by commiſerating the moſt wretched part of our ſpecies, it is high time we ſhould begin to *reform* ourſelves, in this inſtance.

If the number of thoſe who fall under the hands of the law is ſmall, compared with them who, poſſeſſing the inſtruments of vicious gratifications, ſwim down the current of iniquity, a ſtrict and religious diſcipline is become the more indiſpenſably neceſſary to our common preſervation. Let us teach the people how they may ſhun the deplorable condition of thoſe, who, ſeeking the means of criminal indulgences, by the criminal means of violence and rapine, have brought on

themſelves an untimely death, and the danger of periſhing everlaſtingly. If this is not a ſerious object, in *temporals* and *ſpirituals*, there is no ſuch thing as a ſerious object, and we may inſult the majeſty of Heaven with the ſame indifference as we treſpaſs againſt each other, and flatter ourſelves that we ſhall paſs with impunity.

If the terrors of ignominy and death work no reformation; if baniſhment to ſome places ſerves for little more than producing a lingering death; and to others is conſidered by convicts as *deſirable:* if hard labour, in chains and confinement, a great number working together, tends more to deſtroy life, than to reform manners: if we abhor the ſanguinary juſtice which our laws, as they now ſtand, indubitably warrant—what follows?—What meaſure, of any conſiſtent kind, remains to be tried for the reformation of convicts, and as an example to thoſe who daily become

come ſuch, but *ſolitary impriſonment*, comprehending terror, mixed with humane treatment, and religious inſtructions with ſtrict and *profitable* labour?

A temporary ſeclusion from the poſſibility of doing miſchief, 'till a reaſonable proof is given of true repentance, is the object we are ſeeking: If this expedient alſo comprehends the preſervation of the ſubject to the ſtate, can it coſt too high a price? But if it ſhall appear to be in the iſſue conſiderably the cheapeſt method, can it be oppoſed?

If the exerciſe of the good ſenſe and humanity of this nation had not been unhappily ſuſpended, by puerile and voluptuous purſuits; and the effects of proſperity abuſed, become ſo dangerouſly expenſive, the expedient propoſed had been carried into execution long ſince.

I cannot proſtitute my pen, by any language foreign to my heart; nor ceaſe to mourn, when I ſee ſuch cauſe for grief.

But I hope the hour is near at hand when an effectual remedy will be uſed; not expecting any miraculous intervention, but ſuch ordinary means as the goodneſs of Providence may incline our hearts to employ.

I am, Sir,

Your's, &c.

LET-

LETTER XII.

Expoſtulation on our paſt Conduct with reſpect to our Priſons.

SIR,

WHETHER the work be accompliſhed amidſt the harſh ſounds, and bloody ſpectacles of war; or the ſweet harmony, and enchanting delights of peace, plans of *police* and internal government, are worthy of reaſonable beings, believing in the exiſtence of a God, and a ſtate of rewards and puniſhments after death.

Conſidering the freedom with which we *think*, and the humanity which our liberty excites us to exerciſe, it is moſt wonderful how hideouſly deficient we have been in a ſenſe of moral and religious obligations, and the pleaſing hopes which this diffuſes. Could any other thing, in the whole catalogue of human weakneſſes,

have rendered us ſo ſhort-ſighted? With regard to the management of the moſt miſerable part of our fellow-ſubjects, the convicts, we have been mentally blind. Can we lay our hands on our breaſts, and maintain, that the means we have employed to bring offenders, againſt the peace and juſtice of their country, to a ſenſe of their guilt, have been reaſonable, juſt, and fit? We have not uſed any means which either *reaſon* or *experience* have warranted us to believe, could be efficacious. Ages to come may look back on us, with the ſame kind of horror or diſpleaſure, as we now view thoſe periods of our hiſtory, when neither our civil nor religious rights were eſtabliſhed on any baſis of freedom or mutual juſtice.

Priſons, calculated for the ſeparation and ſalutary correction of ſuch convicts, of every claſs, whom we think it unneceſſary, or improper, to put to death, will contribute to the preſervation of their health,

and

and the health of the people in general: they will tend to the promotion of their induſtry and labour, and ſo far introduce habits of virtue. The amendment of their lives will be diſplayed in their manners, and the peace and comfort of the ſtate. The principles laid down, will ſave the rich and poor, the prince and peaſant, many pangs of fear and ſorrow, as well as much expence for ſafety: They tend to *general reformation*.

Can a death-warrant be ſigned without an aching heart, at leaſt for the neceſſity of it? With regard to hulks and tranſportation, can years of miſery, and the precarious event, or certain loſs, of ſubjects, be ſurveyed without mourning?—What vaſt ſums are now expended to check the growth of villainy, and chaſtiſe the diſturbers of our repoſe! And yet it is become a kind of traffic, in ſucceſſion; for the *ſame evil-doer is often let looſe upon us, unreformed.*—What numbers of men are thus loſt to the ſtate, and how many

ſouls

ſouls periſh! Why do ſuch evils reign? Becauſe we do not employ the means of reformation: we do not attend to the rules with which every page in the records of our religion, and the precepts of prudence and humanity abound!—I appeal, Sir, to your own heart; I appeal to the hearts of every thoughtful *Chriſtian*, if this be not true.

I am, Sir,

Your's, &c.

LET-

LETTER XIII.

Conſiſtency of the Plan propoſed, exemplified in the caſe of a young Man going to the Gallows.

SIR,

IF we ſuit the puniſhment to the crime, and obtain the beſt aſſurance the nature of the caſe will admit, of the reality of repentance: If we remember the conditions by which, as believers in Chriſt, we are bound to *ſhew mercy*, as we expect to *receive it*, we muſt conſider *how* the mercy is to be ſhewn.

The great arbiter of life and death, hath ſet us a taſk, which we *muſt* perform, at all events, as far as we are able; taking care not to cheat ourſelves in the eſtimate of the ability, nor with regard to the conſequences of our negligence.

The drift of our purpoſe, in the caſe before us, is to reform the criminal, and "not a frown farther." To make him

ſenſible

ſenſible of his errors, and guard him againſt treſpaſſing for the future, is going to the root of the evil, in *precept* and *example*, in the terrors of *juſtice*, and the attractive ſmiles of *mercy*. If angels rejoice on ſuch occaſions, ſhall we be ſilent, and bury our good intentions in the grave of *negligence?* May not this prove as horrible as that of active iniquity? It is the *hope* of the pardon we ſeek, which baniſhes from the ſoul the dark forebodings of what *may come*. If this hope gives life and comfort, and every bleſſing, which the fair face of heaven and heart preſents, and we cheriſh it on true principles, we ſhall be happy. We reaſon on the aſſurance of the immortality of the ſoul, as the foundation on which our civil and religious liberty is built.

On this principle let us turn our mind's eye towards yonder ſcene. It is very familiar, and a common picture in *real* life! Behold that *young man* carrying, in ſolemn

lemn proceſſion, to the place of execution, there to yield up the life he has forfeited to the laws! He is not yet *nineteen years of age!* Poor lad!—With a ſmall portion of inſtruction he might have had a better fate; but his parents are worthleſs people, and took no care of him. There is no ſchool in the village where he was born. Divine ſervice at church is partially performed, not being on every Sabbath-day. This often creates an indifference to public worſhip. If, through the poverty of a benefice or curacy, or poverty of ſoul, a clergyman neglects his pariſhioners, they will neglect him; that is, decline the public worſhip. As the public worſhip is diſregarded, we are ſure the private devotion will loſe its ſtrength, and languiſh in a pining atrophy! In addition to theſe evils, the gentleman who holds the eſtate lives in London, or any where except upon his own land. The tenants are poor and illiterate. This lad came to

town

town a year ago. He is comely in his perſon, and being unawed by any principle founded in ſober diſcipline; it is eaſy to conceive with what facility he became the prey of one of the great number of proſtitutes, who throng many of our ſtreets. The little money he had acquired in ſervitude being ſpent, his active, lively temper, and knowledge of horſemanſhip, induced him to try his wits on the road. He robbed a gentleman of *two guineas*, for which offence he is now on the way, to pay the forfeiture of his life. You ſee him agonizing with contrition! But by the ſeverity of our penal laws *he muſt die!*—With ſome variation of circumſtances, this is the caſe of the majority of young men who are hanged, *hulked*, or tranſported!—But hark, I hear the ſound Reprieve——Reprieve!—Thank Heaven *juſtice* has not mourned, nor *pity* bled in vain!—His puniſhment is changed.——Better ſo, than that he ſhould, without

farther

farther trial of his virtue, be at once fully pardoned. He is not to be ſent again into bad company in priſon, nor condemned to mourn and die in the *hulks*; nor to be *tranſported*—But he is to ſuffer *three years* confinement in ſolitude, with ſuch mitigation of time as his behaviour, from time to time, may warrant, in the opinion of his judges.

Now, Sir, what ſhall we ſuppoſe moſt proper to ſay to him? "Go, young man—Go to thy cell—it is large and commodious, thou wilt not die, poiſoned by thine own atmoſphere! nor need any change of place in ſickneſs nor health; nor wilt thou infect others.—There learn what man ſhould be to man, the brother, the father, and the friend! There learn what belongs to the duties of a good ſubject, and a *Chriſtian*, where only thou canſt learn it. The walls will preach to thee, and tell thee there is no ſafety but in *honeſty*; and whilſt thou thinkeſt on

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thy folly and iniquity, comfort thy ſoul by conſidering what thy *duty* is. The ſtill ſoft voice of reaſon and religion, will tell thee to repent, amend, and ſin no more, and that all will go well. Thy tears will ſoon be dried up, and the harſh frowns of ſolitude be changed into ſmiles. Think of the dangers thou haſt eſcaped, and rejoice that thou art no longer expoſed to the temptation of wicked men, or *women*. Thou wilt have every aſſiſtance that zeal for the honour of thy God, or the true affection of thy fellow-creatures, can furniſh to one in thy circumſtances. Accept this mercy at the hands of thy *ſovereign*. Accept it at the hand of thy God! He who would not that any of his creatures ſhould periſh, is thus merciful to thee. *Solitude* will make *labour* ſweet; and *labour* will ſoften the pangs of *ſolitude*: Cuſtom will render both familiar. Live in expectation of relief; and work on. Endeavour to acquaint

thyſelf with God, and thine own heart, and *reformation* will prove itſelf thy kind companion, and thy faithful friend. Delivered as thou art from the jaws of death, and the more cruel ſnares of temptation, thou, my lad, haſt good reaſon to rejoice! —Think of *confinement in ſolitude*, as a *bleſſing*, perhaps the only one thou art yet capable of. Bear it like a *man*, with reſignation; ſo ſhalt thou ſoon diſcover the true reſemblance of thy mind, as it were in a mirror: And looking forward, in joyful hope, behold ſons and daughters, ſprung from thy loins, adoring the God of *their* father, who ſnatched him trembling from the jaws of perdition. Inſtead of falling a ſacrifice to the deviliſh practices, by which thou haſt been enſnared, and put in ſuch imminent danger of untimely death, thou mayeſt learn the value of life, and the great end for which it was given. —Thus, in due time, thou mayeſt teach others *their* duty: Thou mayeſt teach thy

children what belongs to their obligations towards God and their fellow-creatures.—Delivered thus from an ignominious grave, prefer thy conſtant ſuit to Heaven! Pray continually for thyſelf, thy country, and thy friends; and even for thine *enemies*; for ſuch is the will of the Saviour of the world, who died on the croſs for *thy ſins*, and for the ſins of mankind!—Inſtead of thinking of theft and violence, which lead to deſtruction of body and ſoul, implore the mercy of the great Parent of mankind, to preſerve thy fellow-ſubjects, whoſe breaſts have been inſpired with ſentiments of mercy towards thee; and who, in obedience to the dictates of their humanity, and the precepts of their religion, have performed this great and important duty towards thee!—Behave as thou oughteſt: Be patient, pious, and laborious; and thou wilt find favour. Perhaps leſs time than a year may bring thee into ſome ſober ſociety in priſon, in which, if thou

thou ſtill behaveſt as a man of underſtanding, conſulting his own intereſt, on principles of honeſty, and true ſelf-love, thou mayeſt be releaſed into the world at large, with a heart devoted to the love of God; with charity and true affection for thy fellow-creatures!—In order to accompliſh this great and good, this wiſe and beneficent purpoſe, if thou haſt no trade, learn one: Thou mayeſt be taught in priſon. Some mechanic arts are ſoon learnt, eſpecially when the mind is not diverted, by ſeeing other objects to draw off attention. At the worſt, thou mayeſt learn to knit or ſpin. Work diligently; and whenever thou ſhalt return into the world, a part of the produce of thy labour being reſerved for thine own uſe, *thou wilt feel the advantage of working*. Nothing will be told thee of what is paſſing; but do not conſider thyſelf as deſerted. Receive the viſits of thy ſpiritual teacher, as an angel ſent from heaven; and let thy daily public

worſhip of God, in the chapel, be offered with gratitude and joy! The purveyor will bring thee thy daily food; good and ſufficient raiment and bedding, with a degree of warmth in cold weather, will be provided. Theſe, with the help of labour, and ſpace for walking in thy *lodging-room*, will preſerve thy health. Men of character are appointed for occaſional viſitation of the priſoners: They will lend a patient, and a tender ear to whatever thou ſhalt have reaſon to praiſe or condemn. To ſuch perſons thou mayeſt freely tell thy griefs, and open the deſires of thy ſoul. Nothing but good towards thee, is intended. Seek after truth, and defy the malice of hell! Learn to be ſincere! Do not deceive thine own ſoul, by any kind of treacherous inſincerity. Being true to thyſelf, all will be well again."

Now, Sir, let us appeal, not to the *hearts* only, but the *underſtandings* of our fellow-

ſubjects.

ſubjects. Would ſuch a rule of conduct, or ſuch an harangue in conſequence of it, carry any marks injurious to the cauſe of truth, or counteract the ſoundeſt principles of policy? Is it the language of reaſon and religion?

But could any ſuch harangue be made under any other circumſtances, than this of ſolitary impriſonment, without inſulting the miſery of the priſoner? I will go further: Could ſuch advice be given to a priſoner, conſidering the ordinary temper of our fellow-ſubjects who treſpaſs, without affronting the majeſty of Heaven? Advice utterly impracticable, from the ſituation the party is in, is inſulting human miſery: And to give *no advice* to the miſerable, is to *contemn* them.

But have ſuch perſons, as are generally the objects of impriſonment, heads to comprehend, or hearts to attend to ſuch advice? I anſwer yes: I am perſuaded

that their hearts, being ſoftened by affliction, are capable of this, and much more; eſpecially among the youthful part of mankind, who muſt be ſtupid as dirt, not to comprehend, that evil companions have brought them into ſuch dreadful circumſtances.

I am not recommending the compaſſion which blinds the judgment, and creates a veneration for its errors. In ſeeking for *rational* correction, and atonement to *public juſtice*, we are bound by the immutable laws of moral and accountable agents, to ſhew *mercy*, in the mode of puniſhing a fellow-creature; and adminiſter the bitter cup, not to *poiſon*, but to *preſerve* him.

Solitude, according to our great poet,

"*Finds tongues in trees, books in the run-*
"*ning brooks,*
"*Sermons in ſtones, and good in every*
"*thing.*"

This, I believe, is as true, as it is contrary

trary to their courſe of life, who are moſt accuſtomed to diſturb the public peace. *They* think it ſo, and if they did not, it would be no puniſhment. The thought, in general, to the imaginations of *ſome people is terrible, becauſe they never tried the experiment*; but what is it, compared with the *darts of the King of terrors?* If it is well known to be productive of reflexion; and that want of reflexion is the cauſe of miſery; conſequently it requires but little *reaſon* to prove, that inſtead of a *dagger*, it carries *comfort* in its boſom.

Let us, on this occaſion, do it all the honour, which the *ſacred* teſtimony of ages have attributed to it.

I am, Sir,

Your's, &c.

J. H.

LETTER XIV.

How far the Adminiſtrators of Government are reſponſible for capital Defects in our internal Polity, particularly with regard to Priſons.

SIR,

DR. DODD, whom I have had occaſion to mention to you, ſeeing the miſery which reigned in *Newgate*, challenged *government*, for the impenitency of malefactors. If he had ſaid, that the people are ſo far inſtrumental to their own miſery, as their repreſentatives are deficient in making laws to reſtrain the moſt flagrant enormities; or in not *providing for the execution* of ſalutary laws; I preſume we ſhould generally agree with him. We now ſeek for laws, and practice, which may operate as a remedy; and no retroſpective views can anſwer any good purpoſe, except amendment for the future.

Every plan, which affords a proſpect of ſucceſs,

ſucceſs, ſhould be attended to with a religious anxiety, and with the ſame zeal as we would worſhip God. To do good is an eſſential part of his worſhip. Were I to communicate to you an account of the *levees* of diſtreſſed parents which I receive; and repreſent the anguiſh of bleeding hearts, you would not wonder at my ſolicitude in ſearch of the means of reformation. To act wickedly; to go to priſon; oftentimes to live jovially there; to return to the world to do miſchief; or end life in a halter, is now become common to thouſands: But it is repugnant to the great views of juſtice, national character, religious hope, and the true glory of our country!

Whether or no all worldly pleaſure correſponds with a like meaſure of anxiety, we may venture to pronounce, that all *vice* is productive of *pain*, in proportion to its malignant qualities; and that there is no ſecurity in *diſhoneſty*. Reflexion

flexion only can teach this leſſon; and let us cheriſh it, in the religious hope, that violators of the peace will decreaſe in number, in proportion, as reflexion prevails among thoſe who are thus taught to ſhun evil. And if the comfort and ſecurity of our fellow-ſubjects will encreaſe by the ſame means, we ſhall have *double reaſon to rejoice?*

To ſee human nature degraded, without propoſing any rational means of reſtoring it, ſullies the native hue of manly reſolution; and eſtabliſhes a habit of puſillanimity, comprehending folly and deſpair: Whereas in doing the rational and religious ſervice of preſerving others, we juſtly hope to preſerve ourſelves.

When we look round, and ſee in what a ſcene of diſſipation the great majority of us live, a reaſonable man, and ſtill more a *Chriſtian*, muſt ſtand amazed! In the female world, diſtinguiſhed by the honourable

nourable appellation of the *devout ſex*, what crowds are there of our fair countrywomen, in almoſt every part of life, where affluence abounds, who ſpend their time in folly! Many give themſelves up, in a great degree, to the guidance of fancy, and amuſements of levity! They endanger their health; they ſhorten their lives! And for what?—To gratify the prevailing fancy of the day! Thus they wound their peace; deſtroy their comfort; and darken their proſpect of future felicity! Is it their fault, or their misfortune? *Men* avow and abet their folly! And ſhall we not ſeek the ſalutary means of controlling the *profligate? The example will mount.*

From the plan propoſed, well executed, we might ſee glorious effects in our general conduct. From reflexion thus *enforced*, many will learn what belongs to their peace, before it is hidden from their eyes!—That which is practicable, only by the *great law*

of

of conſideration, conſideration muſt be its baſis; and we ought to build the ſtrongeſt foundation for it: But in the buſtle of this bad world, ſurrounded by ſuch ſcenes of complicated iniquity, where ſhall we find materials? We muſt ſeek them in *rational*, well ſupported ſolitude.

I am, Sir,

Your's, &c.

J. H.

LET-

LETTER XVI.

The Abuſe of Impriſonment, by allowing of ſtrong Drink.

SIR,

IN the great view of private humanity, as well as public juſtice, our national conduct, in reſpect to our priſons, exceeds all the bounds of credibility: it ſeems to prove, that we labour under a national inſanity. Trifling amuſements, or vicious purſuits, ſo corrupt our minds, that we look on calmly, and ſee the moſt horrible outrages committed in the face of Heaven.

Of all the abuſes, *morally* or *politically* conſidered, which have crept into ſociety, the tap-houſe in priſons, ſtands in a diſtinguiſhed rank. Conſidering the evil propenſities, and kinds of vices, of the common run of criminals, what *reformation* can be expected, where it is the intereſt

intereſt of the *keeper of a priſon* to promote ebriety and diſſipation of thought? If he is ſuffered to ſell *ſtrong liquors* for his own emolument, he will be tempted to ſhut his gates againſt every one, who would relieve the real crying wants and miſeries of thoſe who are periſhing, perhaps without any ſenſe of their condition, as accountable after death; while he opens them to all ſuch as will ſupply the means of drunkenneſs.

There can be no good reaſon for an indulgence, which ſcattering the thoughts, creates a deſperate repugnance to the call of Heaven. When the ſoul is on the verge of eternity, and ought in the deepeſt humiliation to implore mercy; we frequently ſee an offering made to the prince of darkneſs, by ebriety.

Doth not the *magiſtrate* proſtitute his authority, in granting licences, without diſtinction, in the preſumption that he ſhall increaſe the revenue? If the allowance to the keepers of priſons is too ſcanty,

ſcanty, let it be encreaſed; but not therefore give them a liberty, which he knows cannot be uſed without promoting the very temper and diſpoſition, which encouraged the malefactor to commit the crime for which he is impriſoned. Such conduct is reproachable in the higheſt degree. The magiſtrates repreſenting the neceſſity of allowing keepers of priſons ſalaries, ſuitable to the importance of their office, their requeſt could not be reſiſted, by any conſiſtent legiſlative power, ſeeking the public good.

A houſe which ought to be the abode of ſorrow and repentance, converted into a ſcene of jollity, and careleſſneſs to all events, is an evil with which we are ſorely afflicted. If this is not remedied, can any expedient reſtore good diſcipline and œconomy *in* priſons, or *out* of them? If ſome priſoners ſhould be occaſionally deprived of a comfort they might be en-

titled to, it would be far better than granting an indulgence, ſo pregnant with miſchief to the generality.

By an act of the third of his preſent majeſty, no jailor in *Ireland* is to ſell *ale, beer, or any other liquor*, by himſelf, or any other perſon, under the penalty of five pounds for every offence; and I am aſſured it operates happily, in preventing the ordinary bad effects.

With us, the caſe is ſo different, that every capital priſon is a *public-houſe*; and though *ſpirituous* liquors, commonly ſo called, are prohibited; yet, under the name of cordials, they paſs; while by the force of wine, and malt-liquor, all the bad effects of intoxication are continued in their full force.

Good report is made of the preſent keeper of Newgate; but it does not appear that he ſtems the current of this execrable cuſtom. Jailors ſhould be men

of

of the moſt ſober lives and converſation not enthuſiaſts, yet zealous for the true honour of God, and not leſs for the cauſe of humanity. If ſuch are not ſought for, it is a proof how little we attend to one of the moſt important duties which can intereſt the human heart.

I am, Sir,

Your's, &c.

J. H.

LETTER XVI.

Defects of Religious Inſtruction; Medical Advice; Prevention of Gaming; Extortion; Irons, &c.

SIR,

WHAT manner of man muſt he be, who can ſteel his heart againſt the thought, that there will be a day of retribution? In what a wretched ſtate are thoſe priſoners, where a ſenſible, humane, pious clergyman is not provided! To delight in nothing ſo much as in the *repentance* of malefactors, dying the death of the righteous, is a proof of the moſt ſubſtantial merit: But to ſee the priſoner diſcharged with a due ſenſe of religion on his mind, is glorious. The chaplain who attends a priſon; and the keeper of a jail, ſhould both be well choſen, well paid, and well reſpected. When the contrary happens, it is a proof that the magiſtrates and ſheriffs of a county

are

are *bad Chriſtians*, and execrable citizens. If ſuch neceſſary officers are not ſought, for the uſe of priſons, they certainly will not be found.

We have of late years refined away our good old cuſtoms, and with them our common ſenſe. How is a *religious* diſcipline to be ſupported, but by ſpiritual advice, reading, preaching, and, as a conſequence of all three, *fervent prayer?*

It is ſo late as the *thirteenth* of his preſent majeſty, that *chaplains* are required to be provided in all county jails: But who takes cognizance of the execution of this part of the act, I know not. Sorry I am to obſerve, that the evil habits, which have ſo long prevailed, often baffle all laws: And if the fear of God does not create awe, what are we to expect from the fear of men?

Among the other grievances which riſe in judgment againſt us, are,

The *fees* demanded of malefactors, now ſoftened, but not aboliſhed.

The want of medical aſſiſtance:

The deficiency of baths, not yet provided in ſome priſons, though required by legiſlative authority:

Inattention to cleanlineſs:

Foul air, for want of ventilation:

Want of a change of clean waſhed, and well-dried garments:

A regular change of linen.

Where theſe are not ſupplied, death muſt be a familiar gueſt in priſons.

Even the regular waſhing of hands and feet, is of great conſequence.

A proper regard to diet, according to the apparent wants of priſoners, is neceſſary to the preſervation of life, in priſons, more than in other places; and the defect in this inſtance, often operates like a plague.

Our misfortune is, that although ſuch evils have been occaſionally ordered to be remedied by public authority, this hath not always directed who is to execute the commiſſion;

commiſſion; nor do we puniſh for neglect. If an act does not provide for the charge, and render the means of coming at it eaſy, it will ſoon become the ſhadow of coercive power.

So long as priſons ceaſe to be kept ſweet, and in a healthy condition, few men of ſentiment chuſe to truſt themſelves to take a view of them; and thus they become a forlorn hope.

The riot and prophaneneſs which generally attend on *gaming in priſons*, is beyond all deſcription, a manifeſt violation of all order and decorum; and a converſion of the abode, where ſorrow and contrition ſhould be the guardian attendants, into a ſcene of riot and diſorder.

Mr. HOWARD complains of the practice of loading priſoners with irons, ſo as to put them to pain; "which ſeems altogether unwarrantable, and contrary "to the mildneſs and humanity of the "laws of England." The plea that it is

neceſſary to ſafe cuſtody, may be a good one, with us; but it proves that the ſafer cuſtody is ſeparation, or confinement in ſolitude. If you aſk me, ought every man committed, to be confined in ſolitude? I anſwer, yes: in a degree; that is, I would not, for his ſake, plunge him into the company of profligate perſons, to be thus puniſhed before he is condemned: or, perhaps being innocent, or but little guilty, taught to be a villain, to ſave a trifling expence in priſon-room or attendants. I would not commit this outrage on religion and humanity. A man's food and raiment will not coſt the more for his being ſeparated; yet, ſuch has been our folly and inhumanity, we have paid little or no regard to ſeparation.

Mr. HOWARD alſo, moſt humanely and religiouſly, objects to the cruelty of ſhutting up priſoners, of both ſexes, in one room; that is, in ſuch towns, where there are no priſons, which, I preſume, can be the caſe only of a few.

He

He alſo judiciouſly levels his darts againſt the ſlow jail-deliveries, in counties where there is ſuch delivery only once in a year. Theſe are evils, which call for immediate relief, in the ſtrongeſt point of view.

No places are more ſubject to corruption than priſons, as Mr. HOWARD's labours prove to us. Let the moſt notorious malefactor have money, which he probably will have, becauſe he is capital in his way, and by means of a *golden key* he can eſcape from priſon, as many have done, it is natural to ſuppoſe he will not leave this means untried. The terror which ſuch eſcapes creates in the breaſt of many innocent perſons who have been injured, and the danger the community in general is expoſed to, call for a ſtrict account. The ſheriff is anſwerable for debtors, in a pecuniary way. If he is reſponſible for the cuſtody of criminals alſo, we ſhew him great lenity in the preſumption, that

the priſon-keeper is moſt in fault. And what ſecurity is required of the priſon-keeper? Do we give ſalaries which can engage men of character or reſponſibility? If we are ſuffered to trifle with ourſelves in matters of ſuch moment, what good can come of it? Suppoſing the priſoner in no capacity of eſcaping, ſhall the *thief* who is *poor* be loaded with heavy irons, and he who has money with light ones? What can be the tendency of ſuch a conduct, but that the more daring the malefactor, to fill his pockets, the better quarter he will receive? If he lives in the more jollity, and baniſhes thought, we encourage him in his wickedneſs: We induce him, if he gets again into the world, to make the bolder attempts on the property of his fellow-ſubjects. We tempt his companion alſo, not yet in cuſtody, and the acquaintance of his companion, to do the ſame thing; and thus we go on, in ſucceſſion, encouraging and propagating the arts of rapine!

Are

Are we ambitious of being thought a free, intelligent, happy nation? Let us deſerve the character! We make laws, indeed, for ſuch purpoſes, but the execution of them is lame and defective; common ſenſe and good policy are equally diſpoſed to revolt againſt them.—To enact regulations, for the preſervation of the body or the ſoul of a fellow-creature, though a criminal; and not to reſent the non-obſervance of them, is miſerable, lame, and defective government. Are there *ſurgeons*, *apothecaries*, and their attendants, in ſufficient numbers, and well *watched* that they do their duty; and well *paid*, if they do it? And to whom are they to apply for relief, if legiſlative regulations are not obſerved? Should it not be referred to certain able and proper magiſtrates?—If bathing tubs, and a ſufficiency of water are wanting: If ventilators are not provided, though required by legiſlative authority, you render the

authority a ſubject of mockery.—If ſuch omiſſions create mortality, do they not partake of the crime of murder?—If the *clergyman* who is to perform the moſt perilous and arduous duty of any within the whole compaſs of eccleſiaſtical œconomy, is paid leſs than your valet-de-chambre, can you find a fit and proper man? And if you cannot, do you do juſtice?

But you tell me nothing can be done as it ought, while priſoners are left ſo mixed and congregated; as nothing leſs than a miraculous intervention can, under ſuch circumſtances, reſtore order or œconomy.—Then we come to the grand queſtion: Why are they no ſeparated in a proper manner, that good diſcipline may be eſtabliſhed? If this is a mercy to the *offender* as well as the *offended*, and for the preſervation of the community, not to take due care of them, is a monument of reproach to our country and nation! And

you

you will give me leave to ſay, it is a reproach to you as a *ſenator*. It calls for effectual legiſlative intervention, and the moſt exemplary chaſtiſement of thoſe who neglect the duty which they undertake. But you muſt pay for it, take the money from what quarter you may. For heaven's ſake let not a due proviſion be wanting, in a circumſtance ſo intereſting to the community! "By mercy and truth, iniquity "is purged."—So a wiſe man ſaid two thouſand years ago: And it is not difficult to trace out what he meant.

I am, with great truth,

Your's, &c.

J. H.

LET-

LETTER XVII.

The ſuperior Advantages of Solitary Impriſonment, to work Reformation.

SIR,

IN the comparative view of the Hulks on the Thames, and Solitary Impriſonment, with regard to the expence, it ſeems probable, when the houſes are built, the latter will be much the leaſt, or not half ſo great as that of the Hulks, as ſo much leſs time will be neceſſary for confinement. But I apprehend, alſo, that if this plan is ſtrictly and properly executed, it will preſerve men's lives, and certainly render them more valuable, in a pecuniary view; while it tends to *reform* an iniquitous generation, which, I fear, the *hulks* never will do.

Having drawn the outlines of a computation, the expence of a man in ſolitude, after the priſon is prepared, appears not half ſo great, for each convict, as that of

of the hulks. But there is a moral certainty, that ſolitude in impriſonment, ſoftened, by degrees, by ſocial intercourſe, as the convicts mend in principles and manners, will fit men for the world.

If the queſtion were aſked, "How "do you know that this expedient "will avail?" I anſwer, "Aſk mankind "in general, if they learn to reflect in "their cloſet, or in the buſtle of reſort, "amidſt the buſineſs, the pleaſures, the "vices, and crimes of men?"

It is ſelf-evident, that take any man from the company which brought him into the crime for which he is ſuffering, and a great part of his reformation is obtained. Put it out of his power to repeat his crime, and there only wants a contrary habit to accompliſh the work: And will not that habit grow from neceſſity? He muſt *think*, and we may aſſiſt his thoughts: He muſt *work* to eaſe *his mind*, and we may promote his induſtry by every kind

of

of aſſiſtance; and when he has no interruption but the calls of nature for food and reſt, and the exerciſe of *walking in his lodging room*, his work may be of conſiderable value.—I have ſaid, walking in his lodging-room; for it ſeems to be more eaſy for a man to exerciſe himſelf in a modreate ſized apartment, being alone, than in a large room where a number is collected together, ſtanding in each other's way, and poiſoning each other's air.

However familiar a temporary ſecluſion from the world may become, yet ſome will think it too heavy, as others may deem it too a light puniſhment. It is, in my apprehenſion, juſt what it ſhould be, as God and nature has made it; and will prove to the offender, that human laws require puniſhments, not from a vindictive ſpirit, but for the *ſafety* of ſociety, and as an *example* to prevent the commiſſion of the like offence, detering the criminal from falling again into the ſame, or any other

crime, for which the laws direct puniſh-ments. It is the wiſdom of a ſtate, to let ſubjects ſee why they are puniſhed, as it is found policy in the execution of laws, to ſupport their dignity by maintaining their letter, ſpirit, and energy.

Solitude in impriſonment, however terrible to ſome, and for a ſhort time irkſome to every one, will be a cordial to the mind and better part. If any thing will bring a man to *reflect*, it is this: And if nothing will bring him to reflexion, he is *inſane*, or a monſter in human ſhape; in the laſt caſe, not fit to live.

Good rules and regulations will produce good effects. Let us hold faſt the principle, and conſider the terror it will create, as well as the inſtruction to be derived from it. Deliverance from evil communication, is the trueſt expedient for thoſe who are the moſt eaſily corrected; and it will impreſs the minds of them who might otherwiſe prove incorrigible.

rigible. No puniſhment can be ſo *humane*, nor ſo well anſwer the ſalutary purpoſes of government, to ſubdue the *ferocious*, bend and incline the *perverſe*, and teach the *unprincipled*.

The plan can be carried into execution, in its full extent, only with time. If London takes the lead, great towns and counties will not go on, in their beaten dangerous track; they will no longer contribute to the hurt of the innocent, and the deſtruction of the guilty, from generation to generation. We muſt mend our manners; or, without preſuming to propheſy, we ſhall be undone!

I am, Sir,

Your's, &c.

J. H.

LET-

LETTER XVIII.

Objections to Solitary Impriſonment, anſwered.

SIR,

IN purſuit of my object, you may eaſily imagine, that ſince I began to write to you, I have had frequent calls to lend a patient ear to every kind of argument, in relation to the ſubject before us. In general, I have the pleaſure to tell you, I meet with very few, very few indeed, who do not ſubſcribe to the propriety of it, to all appearance, with a degree of unanimity we have hardly known, for ſome time paſt, in any other inſtance.

Proverbs are generally excellent rules for human conduct; but when quoted without judgment to qualify and apply them properly, they eaſily betray the underſtanding. "*Once a thief and always a thief*," can ſignify nothing more than, that a man who has no principle, muſt learn

one before he can act right, upon right motives; and that *habits* grow ſtrong by indulgence: But it is not to be underſtood to mean, that offences of this kind are never repented of. I believe, that all men repent of the *evil* they have done, when they are in a *ſtate of ſuffering* for it, in proportion as they are rightly informed of the nature of their offence, and treated in a proper manner with a view to their reformation.

In this caſe, *repentance* will follow; but it will ſtill be in the degree that men are reſtored to their right mind, and by proper means rendered capable of judging of their own conduct.

We do not hang a man for *inſanity*, commonly underſtood; it is for the madneſs of the *heart* he is to ſuffer death. In the caſe before us, *affliction* will generally bring him to a ſenſe of what he owes to himſelf and his fellow-creatures; ſuppoſing, I ſay, *we* act towards *him* like fellow-

creatures;

creatures; uſing the moſt rational expedients, under the pervading influence of a ſupreme, intelligent Power, which, changing the hearts of men, according to the good objects which ſurround them, inclines their thoughts and actions to good.

In this view it is ſelf-evident, according to Dr. Dodd's *opinion*, that thoſe who direct our police are reſponſible for the evil conſequences, when they place any perſon in ſuch company, as nothing but a miracle can preſerve him from the contagion of groſs impiety. And it is truly amazing, that magiſtrates ſhould not, in a courſe of ſo many years, have entered the moſt ſanguine proteſt againſt our method of impriſonment.

We are all conſcious of *guilt*, and know that *we are ſentenced to die*; but we have *reaſon* to hope, the more *mercy* we exerciſe towards others, the more we ſhall receive at the hands of Him whoſe wiſdom and mercy are great and glorious, "paſt find-

ing out."—Here is now an opportunity which muſt equally delight and exalt the heart, of every man who aſſents to the plan.

There is another trite and familiar adage, which requires a little common-ſenſe to inveſtigate. "*Opportunity makes the thief.*" If, then, we are not to throw temptations in each other's way, he whoſe careleſſneſs, or miſplaced confidence creates the treſpaſs, offends: And what does he, who protracts the offence; or, by an injudicious conduct, encreaſes it? Surely, in the ſight of *wiſe men*, much more in the ſight of God, he acts *criminally*.

Every day's experience proves, that the folly, incaution, ignorance, or impiety of one man, is the chief cauſe of the iniquity of another: the contrary being alſo as true, ſociety becomes linked, and every man is bound, by virtue and piety, to contribute to the preſervation

ſervation of his neighbour. Hence we learn the ſublime excellency of the religion of *Chriſt*.

We all acknowledge, moſt readily, that *prudence* is the compaſs, the ſails, and the proviſion for the voyage of life. If we take a wrong courſe, and err in our calculation, the farther we proceed, the more diſtant we are from our object;—and in the more danger of running upon a rock.

It is alſo ſaid, "*Save a thief from the gallows, and he will cut your throat.*" Take this alſo unqualified, and it becomes criminal to prevent the ſpilling of his blood. Mercy herſelf wears the viſage of fond credulity, and offends againſt the great law of ſelf-preſervation. But ſhall we, therefore, put *Juſtice* herſelf to the bluſh, by making blood flow in ſtreams, neceſſary to her exiſtence?

Our conduct, for ages paſt, hath been

ſuch, that the tranſition to the leaſt merciful expedient, would be the extremity of *injuſtice*. Let *Juſtice* be armed with terror, but not forget her attributes. If ſhe does not hold forth the *palm of peace*, how can ſhe ſoothe us with all the enchanting ſmiles of *Chriſtian* charity?

Thoſe are but little acquainted with the conſtitution of the human mind, who doubt whether it is the property of affliction to open the door to repentance: *Solitude* to malefactors, is but another name for *affliction*. If no other device is ſo well calculated to enforce reflection, and enable men to take a retroſpective view of their lives, no other device deſerves ſo well the name of *juſtice* or *mercy*.

Let a man be placed in circumſtances that he can hardly avoid examining the ſtate of his own ſoul; and he will look forward to the regions beyond the grave; not only in hopes of *good*, but in fear of

evil to come: Hope of good, and fear of evil, making up the ſum and ſubſtance of human life.

The father who left a *libertine ſon* an inheritance, with condition he ſhould be *alone* at a certain time, for a whole hour every day, gave him the ſtrongeſt, moſt laſting, and moſt inſtructive leſſon, to amend his life!

There are but few ſuch ſavages in human ſhape, as prove enemies, merely becauſe a kindneſs has been ſhewn them. That it is more familiar to the corruption of our nature, to deviate from the paths of virtue, than by the force of repentance to return to them, I believe, will be generally granted: But it is equally obvious, that we are bound by every motive of true ſelf-love, to avail ourſelves of the dictates of *juſtice* and *mercy*, and unite them in one common cauſe, in compaſſion to the ignorant, and them who have offended. We are bound by every ſocial

tie, to drag *them* out, who are carried down the ſtream of iniquity; knowing that it terminates in the gulph of perdition. Let the offender anſwer, if it be not ſo?

I am, Sir,

Your's, &c.

LET-

LETTER XIX.

The Effects attending Capital Priſons in great Cities.

SIR,

IT has been a common practice to build priſons in great towns, as well from their being the more eaſily guarded, as for the facility of commitment; bringing criminals to trial; and returning them again to priſon: Unhappily, at the ſame time, it familiarizes impriſonment, by the facility of aſſociating viſitors, who are frequently companions in iniquity. The neceſſity of preventing ſuch viſits is apparent: And it might be happy for criminals, as well as the community, that they ſhould not have any communication, after commitment; ſince it is hardly poſſible to prevent the dangerous tendency of ſuch a practice. Whatever is due to them, in regard to their plea of defence, ſhould be regulated by law.

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If *Newgate* had been built higher, it might have afforded much more room, and added to its terrific grandeur; but ſuch was not the plan; and we muſt therefore ſuffer for ſome years to come.

For want of room to divide priſoners, theſe employ all the engines of infamous ingenuity, which the infernal regions can furniſh; frequently rendering their ſituation ſo light and eaſy, as to baniſh thought, and prevent their making any preparation for either world, unleſs to diſturb the repoſe of the peaceful. This is certainly the caſe of the majority of robbers, concerned in a brotherhood of ebriety and diſſoluteneſs. Hence contrivances to obtain falſe witneſſes; plots for eſcapes, which have frequently happened; or the perpetration of future villainies, when legally acquitted, of which ſome inſtances have come to light. Such kinds of villainies, make up the chief part of the diary of

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the wretched inhabitants of our capital priſons.

Newgate is not big enough to accommodate, *properly*, a third part of the priſoners which are occaſionally lodged in it. And how can ſuch a priſon ever work the reformation, which is the true object of the juſtice of our country? This conſolation remains, that if a county priſon for convicts, to paſs their time in ſolitude for a certain period, were built, one may venture to foretel, that *Newgate* will encreaſe in ability to receive priſoners, by a *rapid decreaſe* in the number preſented at her gates. The land may not then cry ſo loud for *juſtice*; nor malefactors themſelves have ſo much reaſon to complain, that *falſe mercy* to ſome, and *injudicious treatment in general*, have been temptations to the crimes which they are ſo ſubject to commit.

The doctrine of *Solitary Impriſonment* has met the leſs ſanguine reception, from

our

our having no priſons where the experiment could be tried: In this ſenſe it was deemed *viſionary*. Another reaſon againſt it was, the coſt of the priſon: And a third, which prevailed with ſome, they were more anxious for rebuilding Hick's Hall, as a court of juſtice.

With regard to *Solitude*; I muſt inform you, that a few years ſince I viſited the priſon of *Clerkenwell Bridewell*, and *Tothilfields Bridewell:* In both places I found apartments for ſolitude, occupied by refractory apprentices, committed by magiſtrates till they ſhould make their ſubmiſſions. It was then apparent, that if ſuch apprentices had been mixed with perſons committed for capital crimes, they alſo might eaſily become capital criminals; and from the offence of pride and inſolence towards their maſters, be rendered violaters of the peace of the community at large, as robbers, if not murderers. By a particular permiſſion from a ma-

a magiſtrate, I made ſome of theſe young men a viſit. It then appeared to me, and my opinion was ſupported by the magiſtrates, that by keeping theſe daring young fellows out of *bad* company, and out of *all* company, except by an expreſs order, rarely granted but to their parents, and ſetting them to work, no means could be deviſed ſo ſalutary and effectual. The happy mixture of terror and mercy; the rod of juſtice, and the arm of kindneſs, reformation being evidently the only object ſought, it ſeemed to operate with a wonderful efficacy on the heart, ſubduing all the powers of pride, deceit, anger, and revenge.

Of one inſtance, of a higher nature, I was informed by the late *Alderman Trecothic*. Some years previous to the law for proceeding to ſentence upon evidence, a certain notorious criminal declined *pleading*. After appearing in court two or three times, it was a queſtion, whether he ſhould be ſent

to

to the *preſs*; but the priſon keeper recommended to the magiſtrates to try the *red room*, which was the beſt apartment in the priſon, detached from all poſſible communication. This produced the effect deſired; for in leſs than twenty-four hours, this daring artful felon, choſe to hold up his hand at the bar, and quietly ſubmit to the laws, rather than remain in a *ſolitary ſtate*. This expedient was recommended by one, who knew of what kind of ſtuff the hearts of ſuch men are made. Now, had this malefactor, ferocious as he is repreſented, been judged to ſuffer ſolitude in impriſonment, *with a proſpect of being reſtored again to the world*, it is more than probable he would have reconciled himſelf to life, and with good advice, learnt to make it uſeful. But ſeeing that he was put in that ſituation, only that he might be compelled to plead, it is not wonderful that he yielded to his deſtiny.

I am, Sir, your's, &c.

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THE COMPARATIVE VIEW OF HULKS AND SOLITARY IMPRISONMENT ON SHORE.

LETTER XX.

The inefficacy of the Hulks to render Convicts penitent; Propoſal for them to ſleep ſeparated.

SIR,

THE *uſual* mode of tranſporting felons ceaſing, *ballaſt hulk priſons on the Thames*, were ſupplied as a temporary expedient; but we do not find, that Folly and Voluptuouſneſs have ſpread their banners in any degree the leſs. Every day exhibits a melancholy picture of the deſolation of morals.

As a temporary expedient, let us grant the hulks as great merit as they can poſſibly

ſibly claim; but ſuch is our daring genius and the ferocious impiety of many, this puniſhment can never produce a reformation; and if we do not ſeek *reformation*, we are trifling with the public, and ſeeking our own perdition.

In regard to *health*; it is not in the nature of things that ſo many perſons, of ſuch a quality, brought together, can be long free from *contagion*, and the virulency of diſeaſes always rages in proportion to the number congregated. But ſuppoſing that means can be found to keep them in health of *body*, evil communication ever did, and ever will, corrupt the *hearts* of men; and where can communication be found of a more *pernicious kind?* It would be rank folly, to expect the relief we ſtand in need of, by ſuch means: And to loſe ſight of *reformation*, would be to *deſpair*, and give ourſelves up *a prey to violence.*

We are repeatedly told, that the felons ſent on board the ballaſt lighters are become

come formidable in number, and difficult to be controlled. We know that ſome have eſcaped from their taſk-maſters; and what ſhall we ſay, if it can be made appear, that thoſe who have been diſcharged were ſo little reformed, as to have actually returned to their evil courſes? Suppoſing ſome of them to be well inclined when they are reſtored to the world, how are they to conceal themſelves from ſo numerous an acquaintance as they contract in this fellowſhip of miſery? Where can they appear with any character? Indeed, it ſeems to be the mode of puniſhment which ought not to be purſued, with any expectations of its anſwering the great end of a wiſe government, in a free country; namely, *reformation*.

The congregating ſuch a number of men, in ſo ſmall a compaſs, pent up for fear of an inſurrection, may be attended with fatal diſeaſes. The priſoners on board the hulks, for the moſt

part young men, are not free from diſtempers contracted by their vices.—But whatever their condition may be, the priſoners ought, by all means, to ſleep *ſingly*, and not two together.

In the *Maiſon de Force* at *Ghent*, each man has his *dormitory*, and no priſoner is ſuffered, on any account, to go into another's bed-room. This rule ought to be adopted on board the *hulks*, as a material article to health and *propriety*, in every view.

The diſtinction of the conſtitutions of priſoners, is neceſſary to their preſervation. If this *is* not, or *cannot* be conſiſtently attended to, the ſentence will defeat its end; for, as it does not extend to *the taking away life*, it means, that the life ſhould be *preſerved*; but it may be eaſily proved, that many of theſe priſoners have periſhed from the noxious effluvias created by their great number.

There is no agency of fire to rarify the denſe

denſe mephytic air, which has often occaſioned the *jail-fever*, ſo fatally contagious. Such an effect ſhould be avoided, with the utmoſt care, in this and all other ſhips.

I apprehend, that a continued ventilation ought to be uſed, as in his majeſty's ſhips of war, that the priſoners may not periſh by a lingering death, nor endanger the lives of other people. There ſhould be a regular check, or the government of theſe hulks will be groſsly abuſed.

Is the nature of this puniſhment ſuch, that it can be adminiſtered with an equality of diſtributive juſtice? Will it not continually aggravate the miſery of ſome convicts, beyond the preſcription of the law, or the true intent of puniſhment for the good of ſociety?

To be able to relate fairly, the tales of miſery which thoſe feel, who have any ſenſe of miſery, there ſhould be equal candour, probity, and acquaintance with the priſoners. Many of them would

gladly ſuffer death at the gallows; and many have really died lingering by confinement, in the want of a proper diet.

In the common courſe of mortality in great cities, one in thirty dies: I believe it will be found, that nine in thirty of theſe priſoners have died.—This expedient is *temporary*, not calculated to gain *good* ſubjects on earth, nor ſaints in heaven.

It is apparent, that *no* mode of *congregating convicts*, can anſwer fully the intention of the law; which is to ſave the man, and not only prevent his returning to an evil courſe of life, but to put him in the way of being a uſeful member of ſociety.

I am, Sir,

Your's, &c.

LET-

LETTER XXI.

Computation of the coſt of the Convicts working on the Thames, and the comparative advantage of ſaving by Solitary Impriſonment.

SIR,

UPON enquiry into the coſt of the convicts on the Thames, if I am rightly informed, the firſt contract price was not leſs than 32 *l.* each priſoner: But the preſent price is 26 *l.*; which, on 510 priſoners, is 13,260 *l.* I do not pretend to compute what the contractor gains; but this ſum, at the rate of 5 *per cent.* requires 265,200 *l.* perhaps ſufficient to build a capital county priſon, which would do honour to the nation, from generation to generation; and, by anſwering the great end of government, in the iſſue ſave millions to the ſtate.

What ſum would maintain the priſon propoſed, on the moſt proper and effectual

foundation, is not eaſily computed: But if the number of the officers and ſervants ſhould create a larger expence, which I do not apprehend would be the caſe, the food and cloathing not coſting more, there can be no doubt of the propriety of making due proviſion: And the labour of the convicts in ſolitude might amount to a very conſiderable object.

In regard to the building; if the number to be provided for, were 400, it would require a ſquare, allowing for the thickneſs of the partition walls, of near 550 feet in each part: each lodging-room having ſpace ſufficient for air, exerciſe, and labour, ſhould not be leſs than 18 feet ſquare.—In a pecuniary view, if we ſaved 150 men annually, with principles fitted to ſocial life, their value to the ſtate would not be leſs than 200*l.* each, which amounts to 30,000*l.* *per annum*; a ſum that might in a few years re-imburſe the coſt of the building, and the maintenance of the priſon,

priſon, together with all the happy effects of a *regular police*, ſupported on principles of religion and humanity.

Were there no reaſons ariſing from our diſtreſs, with regard to the immorality and want of principle, created by inattention to religion, which ſo fatally abounds, this alone might open our minds to a ſenſe of juſtice and humanity.

I hope, Sir, you ſee the object in this light; and that you will plead for it on this principle.

As to the ſum which the convicts on the Thames now gain for the public ſervice; they work as men who are ſure of their food, whether they gain it or not. But let its value be what it may, we may eaſily conceive, that the amount of the work which would be performed in *ſolitude*, according to the mechanic arts and abilities of the reſpective perſons, would greatly exceed the value of the labour performed by the convicts working ballaſt on

the Thames; eſpecially if a portion of it were allotted to their own uſe, when they ſhould be reſtored to the world. But this mode of puniſhing in *hulks*, has a tendency to *invite* them to take to their old trade.

For my own part, I cannot reconcile myſelf to it, on this principle, that the puniſhment of working in chains, has a tendency to wear off our high ſenſe of liberty; I mean ſo far as it is diſtinguiſhed in this nation, on a compariſon with thoſe countries where deſpotic power is the rule of government, and where ſubjects, being criminal, paſs their lives in *chains*.

Acts of legiſlation require obedience, on a principle of ſubjection to government; but the doctrine of having a right to do what we pleaſe with the man who has forfeiied his life to the laws, I do not ſubſcribe to. On the contrary, I think ſociety is bound to uſe the beſt means which can be deviſed, to preſerve the life it is reſolved not to offer as a victim to the laws; and

and the more, when it conſiders thoſe laws as *too ſevere*.

The ballaſt lighters appear to me as a bad means of preſerving the perſon of the criminal, or of giving him a reliſh of that way of life, by which he might get his bread, when he returns into the world.

Nothing can be more intereſting to the heart of individuals, and the community in general, than the preſervation of *men, as uſeful animals*, except that which reſpects their immortality. Whenever we ceaſe to attend to both, we depart from our character as *men* and as *Chriſtians:* And in whatever degree we violate the *rights of human nature*, we treſpaſs on the fundamental principles on which our laws are founded. And, though it may appear as a refinement not ſuited to theſe days, the purity of the *Anglican Church* is ſo apoſtolical, nothing which concerns penal laws ſhould be repugnant to it. And with reſpect to ſuch laws; when life and death

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are concerned, we ſhould be the more tenacious of guarding every avenue by which civil or religious rights can be invaded.—In this view I have not been able to diſcover that the *hulks* are warrantable, but as a temporary expedient to keep men for a ſeaſon, from doing miſchief to the community.

I am, Sir,

Your's, &c.

LET-

LETTER XXII.

Propoſal for Improvement in the Oeconomy of the Hulks.

SIR,

IT is not poſſible that a plan of reformation can be carried into execution without time; and therefore ſome relief ſhould be given to the *convicts* in the *hulks*, to ſoften the evils they labour under; ſuch as I have heard of from the mouth of one, whom I ſaw, almoſt devoured by a black ſpotted ſcurvy.

The propoſal I have to make, carries, on the face of it, ſuch marks of humanity from one fellow-creature to another, that you will be pleaſed with it. We all grant, that every convict reformed, is an acquiſition of ſtrength to the community; and that the advantages, in a religious view,

are

are important in the ſight of God and men.

Dividing the convicts on the Thames, will anſwer many good purpoſes, provided the claſſes are *ſeparated*, not according to their *crimes*, but their *repentance*. This merits your ſerious conſideration. Till a more effectual preparation can be made, the uſe of an additional hulk, for the reception of the moſt penitent, may be a means of reſtoring them to the world, as they ought to be reſtored.

Thoſe whoſe behaviour entitles them to the moſt commiſeration, may apply themſelves to various employments. Some of them will be able to work at the mechanic trades they have learnt; and if a part of the produce is reſerved for their uſe, when they return into the world, it may ſave them from *deſtruction*. They are ſentenced to hard labour as a *puniſhment*, but it is for their *reformation*; and in this caſe,

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if the labour be not ſuch as anſwers the end propoſed, we act unwiſely.

To this end, proper inſpectors ſhould be appointed, in order to examine with preciſion where to draw the line; and who to *truſt*; not judging *entirely* by a man's countenance, nor his tears; nor yet the occaſion of his falling, though ſuch circumſtances will be of great uſe in forming a judgment.

This will prove a means of preſerving many from the grave, and probably enable them to fit themſelves for both worlds.

You will turn this in your thoughts, and do what you can in relief of many miſerable beings; whoſe condition I am confident would not be forlorn, as it now is, were they to meet with that mercy which you mean to exerciſe; which the law intends by giving them life; and which religion demands, as a proof of our obedience to divine commandments.

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I mention this as a ſalutary expedient, till priſons for confinement in ſolitude ſhall be prepared; and not that I approve of the plan of aſſociating a number of malefactors *under any circumſtance*. For it is obvious, that the greater the number, and the worſe in quality, the more deſperate will they render each other.

The propoſal I now recommend, will add to the preſent charge, as ſome additional guards will be neceſſary, as well as another hulk.

The expence of the preſent plan, and its obvious effects, in not working repentance, are ſo many proofs that the deſign is warranted only as an expedient dictated by neceſſity.

I hope, Sir, we ſhall not loſe a fellow-ſubject, for the ſake of a few pounds per annum; that the countenance of our government, in this particular, may not wear a palid and conſumptive complexion; but that the good ſenſe

and humanity, the vigour and active temper, of the people, may be gratified, in the moſt honourable and uſeful manner.

I am, Sir,

Yours, &c.

LET-

LETTER XXIII.

The Report and Opinion of the Contractor for the Convicts in the Hulks.

SIR,

FOR my own part, I do not expect to to ſee thoſe Halcyon days which might reſult from the *full reformation* we ſtand in need of. It requires time: but the event, in the iſſue, muſt be happy: if virtue enough remains to enforce the execution of a *good plan*, all will be well.

Does the queſtion, to *what place convicts ſhall be baniſhed*, imply a deſpair of their being *corrigible?*—If *proper priſons* were provided for their reception, I maintain that the greater part of them might be *corrected*; and what is more, *preſerved* to their own country, and become valuable members of the community.

The teſtimony you have lately received in your ſenatorial capacity, may induce

you to think that good *meaſures* may reform convicts?— Mr. CAMPBELL, contractor for the hulks, informs you,

That he had ſent "*twelve* on board his own ſhips to Jamaica, who returned with the character of having behaved very well during the whole time of their voyage."—

That "of one hundred who had been pardoned, *he* had never heard but of *ſix* accuſed of freſh crimes."—

That "he had applied for *thirty* or *forty* convicts, under *the age of eighteen*, whom he deemed proper objects of pardon."—

That "he thought a ſolitary confinement might be of uſe to reclaim refractory convicts, &c."—

If all this, or more, *may* be done, where men are aſſociated *in bad company*, what may not be done, if taken *from* bad company? If it may be done, without the

attendance of any "clergyman, except a methodiſt preacher, who comes *at times*;" what may be done under a regular, ſpiritual, and temporal œconomy, ſuited to the circumſtances of ſuch men, in that very "ſolitary confinement, which this gentleman thinks *may be* of uſe to reclaim *refractory* convicts?" If he thinks it may reclaim the *worſt* men, ſurely it may operate on others, leſs deeply ſtained with guilt and folly.

A *contractor*, in his own cauſe, may be conſidered as a partial evidence; but we ſhould give him a portion of credit, as a gentleman.

As to *his* hearing of "only *ſix* in one hundred, accuſed of *freſh* crimes;" others may hear of, and know, of many more; and whether the whole *fourſcore and fourteen* are actually in the *army* and *navy*. The deductions which may be made from the evidence of this gentleman, for the hulk

hulk convicts, are, that there is no neceſſity for *baniſhing* men; or ſubjecting ourſelves to their return, *unreformed*; or *unreformed*, doing miſchief in any other country, by turning their arms *againſt* us. He will ſurely join with us, as all men of honour and principle muſt, that we ſtand bound by all laws, divine and human, to uſe the *beſt* methods we can deviſe, for the *reformation* of the wicked; and the beſt method for the *refractory*, in his opinion, is their *impriſonment in ſolitude*, for *a proper time*, with all the advantages of profitable inſtruction, and profitable labour. We cannot try this experiment, in its true latitude, in every place, and at once, for want of proper priſons; but for *heaven's ſake*, let us not decline the attempt, and not do it, at any time, nor in any place.

In regard to *tranſportation*; what we have *loſt* in the value of men, I have attempted to prove — what we have, in

any view of the ſubject, *gained*, I never could comprehend, except the removal of evil doers. I ſpeak the language of my heart, ſupported by reaſon and information.

I am, Sir,

Yours, &c.

LETTER XXIV.

Reflections on the African Trade; Objections to Tranſportation; bad Management of Criminals.

SIR,

IN regard to *Africa*, to which ſome propoſe to ſend convicts, I beg leave to remark, that although *gain* is the object of the merchant, I know many, eminent in the commercial world, whoſe minds revolt againſt the *ſlave trade*: And, indeed, the wonder is, how the love of gain ſhould ever have ſo prevailed, in the hearts of men, in the moſt civilized parts of Europe, that the ſame principle they utterly condemn in others, whom they call *barbarous*, ſhould be adopted by themſelves? It is truly moſt wonderful, that this trade ſhould be continued by *Chriſtians*. I ſay, *Chriſtians*, from a perſuaſion, that he who has but a ſuperficial knowledge of *chriſti-*

anity, knowing by what means the black people are made captives, by premeditated war; by ſhedding blood; and making ſlaves of each other; expreſsly for the purpoſe of this commerce, his mind muſt *revolt* againſt it. He may ſilence the dictates of it, as men do, in moſt other caſes, when they treſpaſs againſt the native purity of the ſoul, ſo far as it is pure; but he never can be fully ſatisfied, by any deduction from reaſon, from the numbers who ſhew the example, nor the *cuſtom* which has given this traffick a ſanction, that it is conſiſtent with reaſon or religion, to buy and ſell their own ſpecies, as they do horſes and cows.

But, not to dwell on this controverted topic, I would gladly be informed, on what principle of policy, any of the inhabitants of theſe realms, who *can* be preſerved at home, ought to be baniſhed? We could entertain *two millions* of people more on this

this iſland. The great majority of the convicts are *young men*, and not entire ſtrangers to a principle of diſtinction of *good* and *evil*. If we ſuppoſe that any ſuch principle exiſts in their ſouls, why do we *not* uſe the means of calling it forth? In other words, why *do* we extinguiſh the ſacred fire? If we ſuppoſed them to be ſo many monſters in human ſhape, the ſanctity of the exterior image ſhould not protect them from the laws they have violated. Let us try the experiment, we ſhall find they are *men*, like ourſelves.

From an abhorrence of ſhedding human blood, we ſend convicts to *diſtant ſhores*—For what?—To die a lingering death?—Or that they may fight *for* us? They will do ſo, when they fight *with* us; otherwiſe we have reaſon to think they will fight *againſt us*. They are reaſonable beings: Many have acquired reputation: Some have gained fortunes. In-

diſcriminate baniſhment is extremely *abſurd:* We loſe a fellow-ſubject, who with proper treatment would have been profitable, and uſeful to the community at home.

But how is the line to be drawn?—We are ſure it *never can* be drawn by the means we uſe. We have no priſons fit for *reformatories.* When a young fellow gets into bad company, or under ſome ſtrong temptation commits theft; in order to *puniſh* him for ſo doing, we put him into company—much worſe than he was in before!—And to convince him of the error of his ways,—we treat him as if we deſpaired of any *reformation!* Is not this monſtrous? But he has forfeited his life; yet in mercy we *give* it him. And what is he to do with it? He is let looſe, hardened, among the deſperate;—deſpiſed among the deſpicable,—rejected by the reputable,—to live,—as he can, by his *wits*, and the hazard of the life we have

have given him. And what doth experience prove?—he ſoon forfeits it again! This is the common round which our humane, ſagacious, *philoſophic* nation, has walked in for many ages paſt!

To ſuppoſe any man ſo devoid of ſentiment, as to be abſolutely incorrigible by any effort, is a *falſe principle*: And to draw concluſions from it, without offering a fair trial for amendment, carries with it a proof of equal impolicy and inhumanity, I will alſo add, *cruelty*;—againſt which, notwithſtanding our conduct has been ſo abſurd, *when we reflect*, our hearts revolt.

If a *convict*, after being ſo *fairly tried*, returns to his evil courſes, it may be mercy to the community to cut him off. If ſcores were to ſwing in company, it would not diſgrace our annals; for we ſhould ſoon find the number diminiſh, and the deſtruction of an *hundred* might ſave a *thouſand*. I mean only to ſay, if *mercy* does not prevail, *juſtice* muſt take place:

Iniquity

Iniquity can be purged by no other means.

If we exerciſe neither *juſtice* nor *mercy*, with a ſpirit deſerving the name of *regular police*, no happy iſſue can be expected. Our veſſel will be ſet in ſhallows; and even this generation may ſee it wreckt. We are gone far out of the way; I hope, Sir, you will be one of the happy inſtruments of recovering the true path.

If you conſider, that of near 450 men, 132 died in one year in the hulks, "the mortality being attributed chiefly to the infection brought from the different gaols," the virulency of diſeaſes accumulating by numbers, what are we to think of a plan of congregating men in any confined place? If infection is brought from *different gaols*, what may be the contagious effects on the community, by aſſociating great numbers in a ſmall ſpace, whether it be on water or land?

Nor is it in the nature of things, that

reformation,

reformation, and the happy fruits of judicious labour, in the fields of *ſound policy* and *religion*, can be accompliſhed, without a *ſeparation of convicts*; ſuch as will call forth all the virtues of the ſoul, and ſuppreſs her vicious propenſities. No other means can correct the evil habits in queſtion. I will be bold to ſay, the ſooner this plan is carried into execution, the ſtronger proof we ſhall give of being in earneſt with God and men, and the happier people we ſhall be!

I am, Sir,

Your's, &c.

LET-

LETTER XXV.

Reflections on the Duties of Religion and Humanity, comprehended in the Plan propoſed.

SIR,

WHEN an object is under legiſlative cognizance, whatever information the preſs may modeſtly communicate, we may preſume it will be examined for the common welfare; that no ancient prejudices and cuſtoms may militate againſt common-ſenſe and experience, to create erroneous deciſions.

We may juſtly mourn over the *good* we have not enjoyed, as well as the *evil* we have ſuffered. We are now, at this period of our hiſtory, called upon, as it were by a voice from heaven, to avoid ſpilling the blood of many who have forfeited their lives; and conſider, that "it is as great

great tyranny not to mitigate laws, as it is iniquity to break them."

The beſt of us deſerve puniſhment for our guilt, more than the comforts we enjoy, for any virtue we can pretend to: But in the compariſon of crimes, we meaſure them by the line of temporal law and worldly opinion, rather than by the rectitude of ſoul, by which we are to be acquitted or condemned, when we come before the throne of heaven!

In *theory*, men ſometimes regulate their politics by their religion; in *practice*, they oftener forſake it. Thus the judgment becomes partial, and mankind inſenſibly grow vindictive, and more diſpoſed to *puniſh* offenders, than to attempt *their reformation*, while timidity attends their actions, in which experience does not render them confident.

In the caſe before us, *we* are almoſt in the condition of thoſe early ages, when moral, political, and religious precepts were

were greater ſtrangers to us. But the *ſerpent* which gnaws the vitals of generous enterprize, and the manly love of God diſplayed in the love of our fellow-creatures, is *our diſſipation!* The mind being in a ſickly ſtate, ſtarts back at the thought of labour and diſcipline; and thus the moſt uſeful, benignant, neceſſary works, wear an affrighted viſage, and ſtrike with dread as if they were *enemies.*

I am, Sir,

Yours, &c.

A P-

APPENDIX.

XXVI.

To JONAS HANWAY, *Esq*;

A judicious and comprehenſive View of the State of Criminals; and the Britiſh Penal Laws.

GIVE me leave, Sir, to congratulate you and your worthy colleague, upon your being ſo far ſucceſsful in your endeavours to prevent the increaſe of felonies, as to engage the attention of the public, and the countenance of the Houſe of Commons. I have not the honour of being perſonally known by Sir CHARLES BUNBURY, nor ſhall I make any endeavours towards making myſelf known to you. To thoſe who, not contented with being idle witneſſes to the havock made by the laws, quit the enjoyment of eaſe and affluence, for the troubleſome taſk of ſteming the torrent of cuſtom, and engaging

gaging with the prejudices of obſtinacy, every uſeful remark will be acceptable; and if mine are quite uſeleſs, I would not wiſh they ſhould be indebted for notice to the name or acquaintance of their author.

I do moſt heartily agree with you, that *impriſonment in ſolitude* will be the moſt effective method of preſerving the lives of ſuch as now fall victims to juſtice. But this is not all that is wanted; the grand point is to prevent the frequency of robberies; and, what is dependant upon that, to preſerve the enjoyment of property to rightful poſſeſſors.

But before the remedy is preſcribed, let us examine a little into the diſeaſe.

Whoever looks upon the penalties inflicted by the laws as *puniſhments*, muſt have a very wrong idea of them; for in that caſe, the pain inflicted ſhould be but equal to the injury done: They are intended as preventives of crimes. "You

are not hanged," ſaid an eminent judge once, "for ſtealing a horſe, but that horſes may not be ſtolen." But then there ſhould be ſome proportion between the degree of the guilt and the ſeverity of the penalty; and as near as may be, all crimes ſhould have a ſpecific puniſhment, according to the atrocity of them. In this our laws are, in many inſtances, defective. For inſtance: A man incurs the penalty of death, for robbing another privately to the value of twelve-pence; and for depriving his moſt intimate friend of life, he has no greater puniſhment *. He equally forfeits his life for ſtealing to the value of five ſhillings from a ſhop, as if he had broken open his neighbour's houſe in the night, put his family in terror, and abuſed his wife.

Now it is really no greater *crime* to ſteal privately than by force; nor is there any proportion between the two laſt inſtanced

* He is now to be hanged in 48 hours after ſentence, and his body given to the ſurgeons.

crimes. Why then ſhould the puniſhments be the ſame? The reaſons for ſuch ſeverities have long ſince ceaſed to exiſt. They owe their being to ſome reigning manner of robbing, which, although it was neceſſary to be checked, by enacting ſuch heavy penalties, theſe ſhould have been laid aſide, when the purpoſe for which they were adopted was anſwered; but by being ſtill retained, our laws are become too ſevere to be put in force; and this has deſtroyed that prime object in the government of all countries, *the certainty of the penal law.* This it is that has ſet judges and juries to invent methods for evading the rigour of puniſhments. But is it right, that the life of any man ſhould be dependant upon the temper of the judge, or the prevailing opinion or humour of a jury? Surely not.—The penalty for every offence ſhould be ſo certain, that every one may know, if he is convicted of a particular crime, he will inevitably meet with a certain puniſhment. Malefactors would

would not then be ſeduced by the hope of pardon from the crown, which would rarely be neceſſary, if the penalties had any proportion to the offences; beſides, the cuſtom includes the very characteriſtic of a deſpotic government, in lodging the *framing* of the puniſhment, and the *carrying it into execution*, in the ſame hand. Who does not ſhudder at the reflection, that there are *one hundred and ſeventy offences*, for any one of which, by the ſtatute law of this country, a man may forfeit his life! Our penal laws have, in many inſtances, indeed, been found too ſevere to be made uſe of.

But it may be ſaid, that as our laws, ſevere as they are, do not prove ſufficient to prevent crimes, why ſhould they be ſoftened? To this I anſwer, that it is my real opinion, I ſpeak however with diffidence, that their incertainty does more than counterbalance their ſeverity; that if they were reaſonable and certain, they

would be more feared. It is intended, that the execution of the law ſhall ſtrike terror into the breaſt of the ſpectator; but when a man ſuffers death for ſo trivial an offence as ſtealing a few ſhillings (which he muſt do, if the law is enforced) is it not reaſonable to think that pity will be the prevailing emotion in the breaſt of the ſpectator, and that he will acquit the malefactor of his crime, for the ſake of his misfortune?

Robberies are not frequent where there are not ſocieties of robbers. Let us look for the reaſon of this in the hearts of the thieves; for their hearts are not always ſo changed, by the defection from honeſty, as to have loſt all reſemblance of their natural ſtate.

It muſt be known to thoſe who are accuſtomed to think, that the mere poſſeſſion of money, or the enjoyment of the good things it can purchaſe in ſilence and ſecrecy, are not ſufficient to conſtitute

happineſs. The robber muſt find out a ſociety to whom the relation of his exploits will be acceptable; who will liſten with eagerneſs to the tales of his valour, and encourage him in the proſecution of ſchemes of depredation.

Theſe ſchools are formed for the practice of iniquity; and emulation is ſet to work to frame maſter ſtrokes of villany. *Towards theſe ſchools ſhould the eye of magiſtrates be principally directed*; *and as they are commonly held at public houſes, reſtraining the annual licence would effectually deſtroy them.*

To preſerve the lives of our fellow-ſubjects; to give time for repentance to the unwary, and, at the ſame time, to make the puniſhment ſufficiently feared to prevent crimes, is your principal view; and, as far as I am capable of judging, nothing can be ſo proper, or ſo likely to anſwer the end, as Solitude in Impriſonment. Solitude will deprive the heart of the

flattering intoxication bred by ſociety, and leave it to its own ſober reflection; and give its poſſeſſor time to look in and examine its receſſes, and to compare the anxieties of guilt with the conſciouſneſs of innocence.

May that great Diſpoſer of all things, who has animated you to proceed in this great, this ſo much-wanted regulation, crown your generous intentions with ſucceſs; and may your indefatigable labours in this cauſe, meet with the reward moſt acceptable to your heart, the happineſs of beholding your fellow-ſubjects benefited by your exertions!

I am, Sir,

Your's, &c.

Bloomſbury, April 1779.

ELIAN.

LET-

XXVI.

To JONAS HANWAY, *Esq*;

In relation to the Hulks for Convicts, and the manner proposed to the Trinity-house to employ them.

1. OF what use are transported convicts to this country? Is not their labour more desirable?

2. Supposing they had never offended the laws of their country, could they be more usefully employed than in cleansing our almost choked-up harbours?

3. Is there more cause for pestilence in one ship than in another?

4. Do we not know that 1000 seamen are many months confined on board a man of war?

5. The same attention to provisions and cleanliness will keep the convicts as healthy as seamen.

6. After their state of probation is

elapſed, they ſhould be ſecretly introduced on board our men of war, or other ſhipping.

7. In the mean time they need, in no harbour, be an expence to government.

8. Below Woolwich they might raiſe ballaſt for the roads, which being ſold at one ſhilling a ton, would maintain them.

9. Six men, with proper machines, can raiſe one hundred tons a day.

10. I would not have them employed about Woolwich, as they would be offenſive to the community.

11. Suppoſing they were to ſupply the ſhipping; would it not be the ſame thing for the Trinity-houſe to pay them as well as thoſe they now pay?

12. Above Woolwich, let the corporation land mud for the farmers, and gravel for the roads.

13. I ſhould imagine large flat-bottomed veſſels, of one thouſand tons burden,

den, or more, better than hulks of ſhipping, which are deſigned for ſailing.

14. In ſuch barges all the apartments might be ſquare.

15. The ſtern might have cells one above another, and on the fore-parts their machines for raiſing ballaſt.

16. From theſe, ſmaller craft might land the materials.

17. The Thames is full of ſhoals, that endanger all our large ſhipping; and but a few months ago an homeward-bound Eaſt-Indiaman grounded, and a loſs of two hundred thouſand pounds had like to have enſued.

18. No ſuch thing as a ſhoal ſhould have exiſted in the Thames for the laſt three centuries, when the revenue of the Trinity-houſe is known to be more than ſufficient to have removed them all.

W. J.

XXVII.

XXVII.

To Sir C. BUNBURY, *Bart.*

SIR, Nov. 1780.

I Send you adjoined, copies of *three* letters, *addreſſed to the Archbiſhop of Canterbury*, publiſhed in the Public Advertiſer; the matter of which I have taken the liberty to *divide*, *arrange*, and *correct*, and have therefore made them into *five*. The ſame ſpirit runs through them as you find in *my* letters of laſt year; with the addition of a comment on the *act* ſince paſt, which is a very intereſting part of them: there are alſo ſome new lights thrown on the ſubject, particularly in the *religious* view of the penitentiaries.

I am, Sir,

Your's, &c.

J. H.

XXVIII.

XXVIII.

To His Grace the Archbiſhop of CANTERBURY, *&c.*

LETTER I.

My LORD,

THE various and complicated immoralities which I ſee, or am privately informed of, added to the long catalogue laid open to the public, afford the ſtrongeſtevidence of the neceſſity of the *eccleſiaſtical*, as well as the *civil* energy of the ſtate. My meaning will appear from the ſequel of my ſtory.

After ſuch recent, numerous executions, for horrible outrages; and ſuch retreats provided for the daring ſons of rapine, in our fleets and armies, we ſee *eight malefactors now condemned to death!* During war we have ſometimes had *maiden ſeſſions*, not a ſingle criminal being condemned

demned to die.—There are numerous flagrant proofs of a propenſity to wickedneſs, ſhewing the neceſſity of a more effectual mode of correction than any now in uſe! And of whom can we ſo properly ſeek it, as of thoſe who teach the fear of God? Without this, whatever may be done by the rod of the magiſtrate, no *reformation* can be effectual.

My mind is not wholly fixed on thoſe wretched beings who are offered as victims to public juſtice. A malefactor of the firſt claſs, becoming penitent, and imploring forgiveneſs of an offended God, in the eye of Chriſtianity, appears in ſhining array, compared with him who triumphs in his iniquity, as it were in defiance of the vengeance of heaven.

We muſt avail ourſelves of the ſervices of the clergy; but the civil magiſtrate ſhould make ſuch decent preparation, as may induce clergymen of eminence to attend, and ſee, and hear, what is paſſing in the

the dreary abodes of iniquity; and ſometimes appear as meſſengers from heaven, to ſoften the miſeries of thoſe who are on the verge of eternity!

Were the magiſtrate to perform his part, he might prepare the way to raiſe the reputation of the clergy, by inducing them to diſcharge a duty of the moſt exalted philanthropy and Chriſtian charity!

Certain it is, that he can be no able Stateſman, who thinks of governing a people without the aid of religion. To cut off an offender is an eaſy taſk; but to render him a good ſubject, a Chriſtian, and a monument of divine mercy, is reſerved for the power and energy of the prieſthood!

To prevent a future calamity, as well as correct a paſt evil, proviſion muſt be made for malefactors, by *labour* and *ſolitude in impriſonment*, where the *divine* may ſoften the terrors of it, by the comforts he may communicate, and the hope he may inſpire.

inſpire. This is no viſionary or ſpeculative entertainment of the fancy; but the ſolid deciſion of *reaſon*, *faith*, and *experience*.

Miracles are not to be wrought by a *human fiat*. The moſt *proper*, will be found the moſt advantageous means, of accompliſhing a work of ſuch high importance to the community.

The legiſlature has already paſſed an act for building two large *penitentiaries*, one for men, and another, of leſs extent, for women; and the thinking world are longing to hear on what ſpot they are to be erected, and if the ground is yet opened. Theſe ſtructures are intended for the reformation of ſuch malefactors, as in paſt times have been uſually *tranſported*.—Such buildings being actually carried into execution, according to the act of parliament, the labours of the moſt zealous and judicious clergymen muſt be employed. A cold indifference, or a political refinement, in regard to the pious

part, would deſtroy the deſign. But how would the clergy be able to accompliſh the work intended, if atrocious offenders were kept in ſolitude only in dormitories, and in the night, aſſociating indiſcriminately in the day-time? If this were to take place, clergymen of the firſt abilities, and the beſt calculated in every reſpect, could never be able to contend with the powers of darkneſs, in the perſons of a number of ſuch wretched beings aſſociated together. Were they to ſpeak with the tongues of angels to ſuch a congregation of ſinners, they could not be ſuppoſed to ſucceed.

I am, with great reſpect,
my Lord,
your Grace's moſt humble
and obedient ſervant,

Oct. 1780. *For my Country.*

XXIX.

XXIX.

LETTER II.

My LORD,

FROM what has hitherto appeared, the mode of executing the penitentiaries is not yet fully digeſted; and may require a reviſion. Let the community receive aſſurance, that this enterprize ſhall be really a plan of *repentance* and *amendment*. If the moſt abandoned perſons ſhould be ſuffered to commune with each other, or with thoſe who are leſs corrupt, could it be made any thing but a ſchool for teaching the arts of rapine? If the *convicts* aſſociate, they will confer; and what will be the ſubject of their conferences? *What they are to do to be ſaved?* No, My Lord: what ſcenes of villany they have been concerned in; and

and what future hoſtile enterprizes they may engage in, againſt the lives and properties of their fellow-ſubjects. Is this a ſpecimen of policy—humanity, or religion? I hope we ſhall not go on plunging in this filth of abſurdities; and, to ſave an acre or two of ground, and the brick and mortar which may be laid on it, or any other expence, defeat our own purpoſe, knowing what our purpoſe is! Are we to arm ourſelves, independent of regular forces and militia? Are we yet to ſpend our lives in fear, providing bolts and bars of iron? Shall we do our work lamely or ſlovenly, as if the expence in the firſt inſtance, were the only conſideration?

Reformatories or penitentiaries, moſt aſſuredly imply a neceſſity of the ſervices of thoſe who preach love and peace, and ſincere obedience to the laws of God. All mankind are ſinners; and if the venerable order of men, in the ſtate, were not to be employed in contending with

the powers of darkneſs, where theſe moſt predominate, our temples devoted to God, and the prieſts who attend at his altars, might be equally ſpared.

There is ſomething wanting to accelerate this buſineſs. In an army of fifty or an hundred thouſand men, it is known where a private ſoldier ſleeps, what he eats and drinks, and how he is employed. Surely we may muſter ſkill enough to manage *five or ſix hundred* men, of whom perhaps the greater number, *being ſeparated*, will be eaſily managed. If a proper building for *ſolitude*, under proper regulations, were erected, the taſk would be eaſy. Let the priſoners be kept ſeparated, with room ſufficient for motion, health, and labour. Let ſuch only as give ſatisfactory evidence of their ſincerity, and deſire to be admitted into ſociety, with a ſmall number as well inclined as themſelves, be indulged; but with *the utmoſt caution*:—the *corner ſtone* is *ſolitude!*

To guard at all points, is a tribute due to the malefactor himſelf, on the great principle of humanity: It is not leſs due to the great Father of mankind, and to Him who came into the world to call ſinners to repentance. The miniſters of the goſpel of Chriſt, muſt act their part with *zeal* and *knowledge*, in this intereſting ſcene; or we may venture to foretel, they will not prevail, as meſſengers from heaven!

To act on any other principle, would be, as if it were impracticable to make any impreſſion, with relation to *religion*; and conſequently a groſs indignity offered to *religion*; and we ſhould contradict ourſelves, in pretending to erect a reformatory, and at the ſame time treat *repentance*, as if it were but a name to amuſe children withal.

Here is a noble occaſion, my Lord, to ſhew the people, that *church* and *ſtate* are in perfect harmony; that *their* happineſs

is the only object; and that both church and ſtate are in earneſt with God and men: that we are not degenerated into a puerile race of execrable ſtateſmen, nor fooliſh divines; but mean to combat the moſt formidable enemy to the happineſs of mankind, with ſuch arms, and in ſuch a manner, as may bid fair for ſucceſs.

I need not add, my Lord, that your Grace, and the church you preſide over, are deeply intereſted in this matter: And upon the principles on which I reaſon, in zeal for the honour of the church, of which I am a member; and for the king, to whom I am a faithful ſubject, I purſue my *object*; and as it *ſucceeds* or *fails*, I ſhall pride myſelf in being an Engliſhman, and a member of the Britiſh empire,—or droop in ſilence! I am, with the greateſt reſpect,

My Lord,

Your Grace's, &c.

Oct. 23, 1780. *For my Country.*

XXIX.

XXIX.

LETTER III.

Comments on the Act of the 19th of His preſent Majeſty, for Penitentiary Houſes.

MY LORD,

IF ſocial *virtuous* intercourſe is the great cordial of human life, companionſhip in *iniquity* is no leſs poiſonous to the ſoul of man. Philoſophers and divines, in all ages, have therefore pleaded ſtrongly for occaſional ſolitude, as the means of bringing men, who have kept bad company, to a right knowledge of themſelves.

However enlightened we may pretend to be at this period, many walk in the ſhadow of death. The negligence of ſome wealthy perſons, and the cruelty of others; the idleneſs or groſs ignorance,

the depravity and immorality, which reign among thouſands of the indigent, render the *ſtatute for Penitentiaries for convicts*, an object of much greater moment than may be generally thought.

It promiſes honour to the nation, as being of more ſolid advantage to the morals of the people in general, than all our other *penal laws*. If it comprehends more *diſtributive juſtice*, the awe of the magiſtrate having in a great meaſure loſt its force, the perſuaſive power of the pious and judicious divine, will come in aid as a potent auxiliary. There are ſo many *convicts*, who have not had any education; and ſuch numbers ingenious in miſchief, this *ſeminary for compulſive reflection* will be an object of great moment to us.

I have hitherto reaſoned upon the principle of the general benefit which may be expected from *well-regulated Penitentiaries*, that our fellow ſubjects, learning how to commiſſerate offenders in a proper manner,

manner, may watch them with a parental eye, and turn the enterprizing ſpirits of theſe men, to their proper objects, and prevent ſuch unnumbered offences.

The act declares its purpoſe to be, "To "explain and amend the laws relating "to tranſportation, impriſonment, and "other puniſhment of certain offenders:" It requires two houſes to be built in Middleſex, Surrey, Eſſex, or Kent, to be called "The Penitentiary Houſes, for the "purpoſe of confining and employing in "*hard labour*, in one of the ſaid houſes, "ſuch male convicts, and in the other, "ſuch female convicts, as, in purſuance "of the powers herein after contained, "ſhall be ordered to impriſonment, and "hard labour." Folio 1391.

It is ſaid, "The ſaid Penitentiary "Houſes ſhall be made ſufficiently large "to contain, the one of them *ſix hundred* "male convicts, and the other of them "*three hundred* female convicts; and each

"of ſuch houſes, or the buildings and in-
"cloſure thereunto belonging, ſhall contain
"proper ſtorehouſes, warehouſes, work-
"houſes, and *lodging rooms*." Folio 1397.

By this muſt be meant, *ſuch labour* as is moſt beneficial to the community, to be performed under ſuch circumſtances as may bid faireſt to reform the offender.

Accordingly the preamble of the deſign ſays, "And whereas if any offenders, con-
"victed of crimes for which tranſpor-
"tation hath been uſually inflicted, were
"ordered to *ſolitary impriſonment*, ac-
"companied by *well-regulated labour*, and
"*religious inſtruction*, it might be the
"means, under Providence, not only of
"deterring others from the commiſſion
"of the like crimes, but alſo of *reform-*
"*ing* the individuals, and inuring them
"to habits of *induſtry*." Folio 1390.

Theſe, my Lord, are the words of the ſtatute; and very ſenſible and important words they are. Your Grace, as a Lord

of

of Parliament, can beſt tell your own intention, with reſpect to the part the clergy may conſiſtently take in this plan, of preventing the ſpilling human blood, and aiding and aſſiſting offenders in the great duty of *repentance*, by "*religious inſtruc-*" *tion*;" likewiſe, if this can be beſt done by "*ſolitary impriſonment in lodging* "*rooms.*"

"Religious inſtruction," being expreſsly mentioned," as *a means, under Providence, to reform*, no words or meaning can harmonize with greater beauty and energy: they are pregnant with the trueſt wiſdom of Man, directed by the merciful hand of God.

By "Lodging rooms," could only be meant, rooms for the ſeparation of all, or much the greater part of the convicts, for a reaſonable and proper time, where they may be in "ſolitary impriſon-" ment," agreeable to the expreſs words of the act, and give a patient and atten-

tive

tive ear to good advice, and where they may be alſo preſerved from the dangers of evil communication.

Every one knowing our deplorable ſtate reſpecting *criminals*, will ſubſcribe to this trial of *penitentiaries*; where *labour* may be ſought as a relief, and *religion* enforced by reflection; and all the benefits of ſolitude enjoyed.

The legiſlature appeals to the care of a *good providence*, and the rational means which may be uſed to accompliſh their work (Fo. 1390) acknowledging, that religion is deeply intereſted in this enterprize. Thus we may hope, that this kind of ſinners will learn, that *honeſty* is a much better trade than *thieving*; and the hopes of Heaven more comfortable than the fear of Hell: and thus generations yet unborn, may bleſs the authors of the law.

The bill is now a child of the legiſlature, and ſo much depends on its life and education, we may flatter ourſelves the delay

delay attending its entrance into the world will not be injurious to thoſe, whoſe fortunes, and very *ſouls*, depend on it.

In regard to the *execution*, the act ſays, "Provided alſo, that the ſituation, and "other circumſtances of ſuch piece or "pieces of ground," (on which the priſons may be built) "ſhall be reported to, and "approved by the Lord Chancellor, the "Speaker of the Houſe of Commons, "the Juſtices of the Courts of King's "Bench and Common Pleas; the Barons "of the Coif of the Court of Exche-"quer, and the Lord Mayor of London "for the Time being, reſpectively, or by "any *eight* or more of them, before the "ſame ſhall be finally fixed upon, or any "purchaſe made of the ſame."

Thus the three *ſupervifors* appointed by the act, are controuled; but the full line of the authority of the great officers, I apprehend, is not clearly marked out; and therefore it happens, I preſume, that *nothing is yet done*.

The

The plan and eſtimate of the expence is to be approved of by at leaſt *eight of theſe great officers*. Now if the learned phyſician, the urbanic friend, together with the zealous and laborious philanthropiſt, *ſurveyors*, had *coadjutors*, in the perſon of an *active*, *ſenſible*, *experienced divine*, an *intelligent architect*, and a *ſkilful ſurgeon*, to be *intereſted* in this buſineſs, we might ſee the foundation laid. The enterprize is grand and ſplendid; the execution may be *glorious* or *ſhameful*. The domeſtic ſafety of the ſubject, and, in proceſs of time, the prevention of great numbers from becoming victims to the laws by bad examples, depends on this act being duly executed.

The *conſtruction* of theſe buildings muſt be accommodated to their great object, as "Penitentiary Houſes, for religious In-"ſtruction, and well regulated labour."

I am, with great reſpect,

My Lord,

Your Grace's, &c.

XXX.

XXX.

LETTER IV.

Further Comments on the Bill, and its benefits.

My Lord,

WHATEVER contrariety of opinion or obſtruction, created by the buſtle of the times, may have prevented laying the corner ſtone of theſe humane and *pious priſons*, it is evident that the principle on which they are to be built, is to accommodate them to *ſolitude*; and, conſequently, that *dormitories*, or cells, for ſleeping in, ſo as to make the ſeparation only in the night, have no part in the intended œconomy.

If *dormitories* are conſidered as a ſufficient ſeparation at the *Maiſon de Force* at *Ghent*, we are not the ſame kind of people as the *Flanderkins*; different go-

vernments create different tempers. Our fellow-ſubjects are not bred up in the ſame awe of the *prieſt*; nor have they ſuch truſt in *abſolution*. The *Auſtrian Flanderkin*, I apprehend, is leſs daring in iniquity, and more in awe of the rod of the *civil magiſtrate*. And if the example of *Ghent* were traced to its foundation, we might find, that inſtead of *one houſe*, they ſhould have *two* or *three*: and that proviſion for 1,200 perſons under one roof, may, in the iſſue, be *bad œconomy*, and fruſtrate the deſign. If they ruin the morals of their ſubjects, as we have corrupted ours, by *evil communication*, making *twelve hundred* companions in iniquity acquainted with each other, it is, I apprehend, entirely foreign to *our preſent purpoſe*.

The *Maiſon de Force* cannot be a *penitentiary*, and may probably continue full, when ours may be *untenanted*. Such is our national character, that our *women*, when

when they *voluntarily* ſeek *reformation*, are hardly reſtrained. I remember when the penitent proſtitute houſe, called *The Magdalen Charity*, was firſt eſtabliſhed, the women were ſet to work together in winding ſilk; but the governors ſoon found that the *converſation*, and ſongs, and noiſe of wheels, acted diametrically againſt the intention of their coming into the houſe, and were obliged to diſcontinue that work, and bring them back to needle-work, in their reſpective *wards*. Theſe women *petition* to be admitted, and are not detained againſt their will; nor are they kept *ſeparated*, except by *two* wards only. The conſtitution of that charity is therefore foreign to the penitentiary in queſtion; I only mention the moral certainty of defeating the great end in view, were the convicts to aſſociate at their work.

A place where a man is to ſleep, and only to ſleep, is a *dormitory*; but an act of a legiſlature, in which the word dormitory

mitory is not be found, but only "lodg-
"ing room," where he is to live, this is eaſy to underſtand, and correſponds with the idea which has been for ſo many years agitated. We muſt be guarded not to level the ſtructure of this humane and judicious act of parliament, at the moment we have reaſon to hope it may raiſe its head, and wipe off the many foul ſtains, with which our annals have been blotted, by the *rank* deficiency of our *police*.

Reformation is the object ſought, on the ground of *religious principles*, exerciſing our powers with regard to the means of "*religious inſtruction*," conveyed in a collected, ſober manner, ſuch as may do honour to our country. It cannot be imagined, that all theſe *ſinners* will become *ſaints*: but the intention of parliament is to render them as nearly ſuch as the moſt *rational means* can accompliſh.

The common bounties of Heaven, pure

air,

air, wholeſome water, proper cloathing, and, a portion of warmth by flues, when neceſſary, as the act provides, being adminiſtered with a judicious hand; he who thus compounds for life, or exemption from baniſhment and captivity, muſt be fooliſh or cowardly, to a degree of contempt, if he does not think himſelf the gainer.

When *cuſtom* ſhall familiarize *confinement*, and he feels his mind open to a ſenſe of conviction, and that he is accountable for his actions at the tribunal of *heaven* as well as on *earth*, he will rejoice amidſt his afflictions, and be *unwilling* to return into the world, till he has acquired habits, the reverſe of thoſe which brought him into the *penitentiary*.

I do not know that we are *panic ſtruck* in regard to this attempt: I hope the delay only means *amendment of the act*. If we "betray the ſuccours our reaſon af-

" fords," we ſhall loſe the day which promiſes to be glorious.

To convey to your Grace my meaning, reſpecting the intended building, ſo far as I have thought, unguided by experience in ſuch matters, I ſuppoſe a ſquare of ſeven or eight hundred feet in each part, with four ſtories; the *upper* one to command a proſpect of the fields, conſidered as the leaſt rigorous for the leaſt offenders; the *lower*, comprehending the ground floor, to be a little elevated.

This would accommodate five or ſix hundred priſoners, each with a room to be ſeventeen or eighteen feet in front, and as many deep; and ten or twelve feet high. If the building were only of *three* ſtories, then it muſt be proportionably extended over more ground.

Small " *lodging rooms*," to live in conſtantly, would, in the iſſue, prove *bad economy*, as the men could not have room

room for labour, motion, exercise, or ſweet air; and conſequently could not be kept in health.—The windows, and other contrivances, in theſe Penitentiaries, ſhould be ſuch as may at all times afford abundance of ſweet air.

If there is ground enough covered, ſtories and rooms ſufficient, and proper officers for the controul of the diviſions, and ſub-diviſions, of the priſoners, the whole body of *ſix hundred* may be as eaſily commanded as a tenth part of the number: but it can never be for the benefit of the community, that room ſhould be wanted for the exerciſe of *walking* as well as *working*; that when they are reſtored to the world, they may have the full uſe of their *legs* as well as their *hands*.—If we provide room, it is probable the coſt, principal, and intereſt, will be ſoon repaid by the health and produce of the labour of the priſoner.

Theſe "*lodging rooms*" being large,

will ſave a vaſt deal of other room: for on the *ſleeping cell plan*, the *working rooms*, *eating rooms*, *infirmaries*, and ſuch like, muſt be in a great abundance, and render the whole œconomy the more difficult, as it would more complex. Diſeaſes would alſo be eaſily propagated in a foul air; whereas in their ſeparate rooms they would have no ſuch evil to contend with, and might be eaſily cured.

Beſides, how would it be poſſible to preſerve *order*, *ſilence*, *awe*, or any thing that belongs to penitence or reformation, if the priſoners were congregated? The name of a *penitentiary* might become ridiculous.

So many men kept in ſucceſſion, for months or years, and new objects introduced, being congregated, might create an epitome of *hell*, rather than of *heaven*.

If congregated, they would alſo probably be tempted to confederate to break priſon.

They might be more ſubject to contract

tract diſorders from their own atmoſphere.

They might be induced to commit outrages; to become *idle*; to get at ſtrong drink; and, in a word, taking in the full idea, to render the Penitentiary as diabolical a ſcene—as the worſt of our priſons have been in times paſt.

Upon the whole, it were more judicious to prepare for a ſmall number, doing our work completely, by a *ſtrict ſeparation*, than depart from the leading principle, of reforming by ſolitude and *religious inſtruction*.

With reſpect to *divine ſervice*;—I apprehend the complete performance of it, would require a communication between the *lodging rooms* and *cabins*. A rotunda, or a ſquare, would not anſwer: a proper diſpoſition would require two chapels, *oblongs*, on each ſide of the interior area. Theſe ſhould be prepared on one ſide, and

part of their ends, with ſtories of cabins, communicating as far as poſſible by ſeparate narrow paſſages, with the reſpective *lodging rooms*, by doors to open for the occaſion. If the *ſervice* were performed *twice* in the day, having a ſufficient number of *chaplains*, the priſoners might attend in *diviſions*, and the chapels need not be ſo large as would be otherwiſe neceſſary.

Great good might reſult from this diſpoſition. This might alſo render it much the more eaſy for the keepers of the reſpective *diviſions*, each having his number aſſigned, to ſee his priſoners ſafely returned to their "lodging rooms."

The cabins propoſed are meant to contain but *one perſon*, and ſhould have *double, iron, narrow, flat gratings before them*; that although the priſoner might diſtinguiſh the features of the preacher, and *hear* him perfectly, he ſhould not be able to diſtinguiſh any priſoner who had the ſame gratings before his view.

It

It ſeems neceſſary, as a leading principle, to *ſtrike awe*, that theſe convicts ſhould never ſee each other, and conſequently be truſted only with their own ſecret, when they come into the world. If it is not ſo, the ſanctity and policy of the inſtitution will be expoſed to violation. For the ſame reaſon, the *keepers* muſt be well choſen, and ſworn to ſecreſy, not to tell the names of priſoners. Each ſhould go by the name of the number of his reſpective lodging room.

I obſerve (Fo. 1399) a *chaplain* is provided for. But if only *one chaplain* is to officiate, we muſt ſend to *heaven* for him, for no one man upon *earth* can honeſtly charge himſelf with the care of the ſouls of ſix hundred convicts. There muſt be an *ample proviſion* for *clerical* aid, and a large houſe, or more houſes than one, prepared for their accommodation on the ſpot, or their work will never be executed

with *common decency*, to anſwer the great deſign, or the anxious hope of the nation.

For the ſame reaſon that this enterprize ſhould not be executed on any *penurious* and illiberal principle, the *public preaching* ſhould be frequent, if not *every day*, not only as a rational relief of *ſolitude*, but that the convict may really *learn his religion, as children learn to read or pray*; many of them being amazingly ignorant.

This, with the private conferences of the clergymen, and their *ſpiritual advice*, and *comfort*, and the *reſpectable viſitors committee*, would ſoon win the hearts of thoſe, who had any hearts to be won, or could be rendered fit for any thing but the *gallows*.

To this œconony I ſhould alſo recommend *diſcourſes* to be written by ſome ingenious, pious, lively divine, acquainted with the world, expreſsly for the pulpits of theſe chapels; alſo, a tract, as a *private*

vate devotional, peculiar to their circumſtances—A copy of both books to be given to each priſoner, with ſuch *other tracts* as may be deemed proper for their private meditation and inſtruction, according to their education; and perchance ſome may be truſted with *books of judicious, moral, and pious amuſement.*

Under ſuch circumſtances, your Grace will readily grant, that *repentance* may happily be born of *ſolitude*, though it can hardly be the offspring of *evil communication.* It is the taſk of *divines* to prove, that human nature is not ſunk paſt recovery—and though it is more eaſy to deſcribe the abilities of men wanted for the purpoſe in queſtion, than to find them; yet there are *many* of ſufficient learning, accompanied with ſuitable manly ſentiments, *good humour*, *patience*, and knowledge of the human heart, who would undertake the duty, and execute it well.

When

When the buſineſs is brought into method, it will not be ſo arduous a taſk as is vulgarly imagined. For it ought to be obſerved, that if any convict requires a *rigorous* diſcipline, he will not be, *immediately on his entrance*, the object of private *religious inſtruction*. The characters of men will ſoon be known.

That the clergymen muſt be well choſen, is very obvious; otherwiſe we might fall into the miſchiefs we mean to prevent, and, playing the fool in the ſight of heaven, become unworthy of the bleſſings we ſeek.

Care muſt be taken that the chaplains be *paid*, as *gentlemen* ought to be, and no attempt made to do their work by *deputation*. This evil ought to be effectually guarded againſt, in the contract for their ſervice.

It is not probable, that many of the *convicts*, though veterans in iniquity, will be ferocious; if they are, their aliment

muſt

muſt be ſo much the worſe; or a *dungeon* their lot, till they recover to a ſenſe of their condition. The number of ſuch, I hope, will be comparatively very ſmall.

It is neceſſary to humanize a man before he can embrace the religion of Chriſt. But from the moment he feels the power of religion, we may entertain the ſtrongeſt hope: and that he who is not to be tamed by any other way, may confeſs the force of *ſolitude* to bring him to reflexion. If he is fit only for the gallows, the *danger* of letting him looſe into the world, can be equalled by nothing but the *folly* of it. In ſuch caſes, as far as the legal ſentence goes, the law will take its courſe. A refractory perſon could have nothing leſs to hope for, but he would have to fear the ſeverity of utter darkneſs, a hard diet, and a harder pillow.

Whatever degree of *good* is promoted, or *evil* prevented, ſo much will be done towards the happineſs of the community.

The

The gradations of *moral* and *religious* exerciſes and acquiſitions, being very numerous, ſome of the convicts might probably become able aſſiſtants to reform others: but I apprehend it would be highly impolitic, at any time, to employ any former companion in iniquity.

If we can make *chriſtians* of theſe unhappy beings, they will be good ſubjects: The worſt ſubjects among the *great*, as well as the *little* vulgar, are the greateſt infidels.

As we are *now* circumſtanced, notwithſtanding our boaſt of freedom, no man can tell, from day to day, what his fortune may be, as to his *property*, or his *life*, with reſpect to the rapine and violence *ſo frequently committed*.

The "Penitentiary houſe for *females*," I apprehend, ſhould be founded on the ſame principles, and conducted with equal care. Whether *ſolitude* will be more or leſs terrible and effectual to them, is a queſtion

queſtion of ſome difficulty. Some of the women may perhaps be more properly truſted together, in a ſmall number, than the *male* convicts.

The *matron* of the female Penitentiary, ſhould be a woman of education, of a pious turn of mind, with a good temper, knowledge of the world, of ſtrong underſtanding and reſolution.

The *men*, as well as the *women ſervants* of both priſons, muſt not be taken from the dregs of the people, but well choſen for *honeſty* and *ſobriety*; give *ſolid ſecurity* for their *good behaviour*, and be ſubject to ſevere penalties and *impriſonment*, if they take bribes, or depart from the line which is marked out for their conduct.

Upon the whole, it is obvious, that in both priſons an œconomy may be eſtabliſhed, replete with benevolence and *chriſtian* mercy, pregnant with good policy, and producing genuine repentance; the happy fruits of peace and good order,

der, with the joyful hopes of immortal glory in the breaſt of the individual!

This was the object of parliament; though in ſome parts much miſtaken as the Act now ſtands. It will be the wiſdom of thoſe who are to carry the deſign into execution, to uſe the moſt probable means of obtaining the important end in view; that neither by *viſionary* refinements on one ſide, nor a ſecret diſtruſt, or ſupercilious diſregard to the power of devotion, on the other, we may loſe the advantage which this long-laboured, judicious plan preſents to our view.

I am,

My Lord,

Your Grace's, &c.

XXXI.

LETTER V.

Reflections on the Repentance of Convicts, as obtainable only by Solitude, Labour, and Religious Inſtruction. The Advantages which the Example may create among the People.

My Lord,

MY laſt contained ſome remarks on the mode of executing the religious part of the œconomy propoſed, not provided for by the Act; which ſeems, in ſome reſpects, not conſiſtent; as in page 1409, it departs from its main principle of *ſolitude*; for the convicts "*ſhall, during their hours of reſt, be kept entirely "ſeparate and apart from each other, and "be lodged in ſeparate rooms or cells, not "exceeding twelve feet in length, eight feet "in breadth, and eleven feet in heighth; "nor leſs than ten feet in length, ſeven feet "in*

" *in breadth, and nine feet in heïghth, and* " *without any window within ſix feet of* " *the reſpective floors; which rooms or cells* " *ſhall be dried, or moderately warmed, in* " *damp or cold weather, by flues from the* " *fires in the kitchens, and other public* " *fires belonging to each houſe.*" I believe, my Lord, it will be found totally impracticable, in our unequal climate, to keep ſuch cells in a ſtate for health, as much as it will be to derive from the inſtitution, the advantages of ſolitude when it is only in name.—I have ſaid, that dormitories are not mentioned in the Act, but cells for ſleeping in, make a part of it as it now ſtands. This part ſurely requires a reviſion. Two principles, ſo diametrically repugnant to each other, cannot be reconciled. It could be no compliment to the legiſlature, to ſuppoſe it expected more or leſs than the nature of a well-digeſted *plan of police* might produce. It is not only the *good* we ſeek, but the *evil* we

would ſhun. *Rapine* and *violence* had not become ſo familiar, if happily this plan had been long ſince adopted. I have reaſoned as if That were *done* which is *underſtood* by *Solitary Impriſonment*.

Every cauſe will produce its effect. The practice of great evils, *in* priſons, could not fail to produce great evils *out* of them: while habits of induſtry, growing from the neceſſity of *employment in ſolitude*, and giving the mind relief, would, to all appearance, have taken place. Under ſuch circumſtances, felony could not have reigned ſo triumphantly amongſt us: nor would ſuch numbers, having *once treſpaſſed*, have *continued* to act, as if they had *devoted* themſelves to the gallows, and were *anxious* for the completion of their *vow*.

The condition of life is to combat difficulties; therefore I hope we ſhall not become *puſillanimous*, or inſult human na-

ture in diſtreſs. If we require Solitary Impriſonment, we muſt provide for it.

Many *convicts* become ſuch, more by the general relaxation of diſcipline in morals, than by the evil propenſities of our common nature. I hope it is now meant to trace the evil to its ſource; and, avoiding the ancient cuſtom of burning in the hand, and other ſtigmas, which ſerve only to render men irreclaimable, to addreſs the heart and underſtanding, under the ſtern but ſalutary advantage of ſecluſion.

To judge from *ſeveral examples* I have ſeen of the *good effects of Solitude*, I am confident that more may be done towards bringing men to a ſenſe of their condition in *one month*, by this means, than will be otherwiſe accompliſhed in two years, or can *ever* be done.

Solitude has been tried in the perſons of turbulent and vicious apprentices *; and

* See Hanway's Defects of Police, quarto; his Solitude in Impriſonment, octavo; and his Letters to Sir Charles Bunbury, &c.

and the *ſecret* has been diſcovered, of rendering them humble and obedient; proving, that men do not totally abandon their *reaſon*, becauſe their *paſſions* and appetites often betray them. That it is neceſſary ſometimes to be put under certain reſtraints, that we may not become the inſtruments of our own deſtruction, the experience of every hour abundantly juſtifies. Our *national* misfortune is, that, in common life, all kinds of reſtraints are become *unfaſhionable*.

Such has been the relaxation of our diſcipline, it is no queſtion of difficulty, whether the leſſons learnt by young offenders, during their abode in priſon, have not been more pernicious to the community, than any other: and whether the clemency of the crown, in granting pardons, has not been generally fruſtrated. When there is no viſible means of ſupport, we are warranted in this concluſion, that by the acquaintance made, and the

leſſons learnt in impriſonment, with the flattering hopes of eluding *juſtice*, or receiving *mercy*, many become thieves, or proſecute their dangerous occupation. The cauſe being apparent, let us try what can be done to counteract it.

Not many months have paſſed, ſince I had an opportunity of converſing with a young man of education, who happening to be in want of money, took a purſe on the road, for which he was condemned to the *hulks*. He was releaſed from thence, on condition of tranſporting himſelf for a time. I aſked him, if the *convicts* in the hulks ever got ſight of any *newspapers*; and if he had read *Mr. Hanway's Letters to Sir* CHARLES BUNBURY? He anſwered in the *affirmative*; and gave his opinion in the moſt pointed manner, in favour of *Solitude*, as the only means of *reformation*; adding, that all the priſoners of ſentiment in the hulk, were in the ſame way of thinking; but that the

inferior

inferior criminals in general, declared their preference of the hulks, as *leſs terrible* to them.

Now, my Lord, it appears to me, as I preſume it did to your Grace, that this very *terror*, as far as it can go, ſhould be held forth: at the ſame time, all mankind, who know the force of *cuſtom*, and the power of *hope*, will acknowledge, that the expedient is in no inſtance deficient in *humanity*: On the contrary, it is fraught with *charity*, in reſpect to both worlds. Thoſe who are beſt acquainted with the human heart, predict, that many of theſe convicts, becoming real penitents, would rather prefer working alone, than in the ſociety of thoſe with whom they are not acquainted, or of whom they know too much. Thoſe who are diſpoſed to virtue, would wiſh to be forgotten by their former companions; and the more unnoticed they were, the greater would be their ſafety when they ſhould return into the world.

This act might prove highly important, if it were calculated to reſtore thoſe who have offended, to the community, without reproach. And as it would be a deed of cruelty to inſult one who has given proof of his being reformed, it is certainly his buſineſs to conceal his former conduct. When any ſoldier deſerted the army of the *great Prince of Orange*, upon being taken, he was confined till he gave proof of *repentance*. He was then introduced to his regiment in a formal manner, the *colours being waved over his head*. After this ceremony, if any ſoldier reproached him, it was deemed a crime, for which the offender was committed to confinement.

With regard to our former prejudices, ſuch is the *tyranny of cuſtom*, that were the path we have ſo long trod, ſlippery with the blood of human victims, ſome would ſtill amuſe themſelves with an opinion they might venture on it with ſafety;

ſafety; and, in ſpite of all the caution which ſad experience has taught, preſume, that the ſame cauſe would not produce the ſame effect;—and therefore they lean to the ſide of our *uſual* practice!

While I praiſe *ſolitude* as a remedy for *a ſore diſeaſe*, I would ſoften it by every means *conſiſtent with the deſign*.—If there is joy in hearing a *human voice*, abſtracted from all conſiderations of vanity, a man may be pleaſed with his own. If reading ſometimes, praying, or repeating any thing articulately, were recommended to a *convict* by his ſpiritual teacher, it might have ſome good effects, provided he were not heard by his neighbour to create inconvenience.

The duties of humanity might be preſerved inviolate: theſe priſoners would, in no inſtance, be forſaken. So far from being as men ſet on ſhore on an uninhabited iſland, every thing *neceſſary* to their *bodies*, and their *ſouls*, would be ad-

miniſtered with a benignant hand, as prudence, and the great object of *repentance*, might ſuggeſt. The convicts who are men of ſentiment, would feel that nothing is meant beyond their being brought to a ſenſe of ſorrow, and amendment of life. Others would learn what our religion promiſes, and what it threatens; and how the world would ſmile or frown upon them, as they behaved hereafter. They would ſee how ill they might be truſted with their liberty, till they reſolved to act like ſocial beings; and that no animal, except man, in a degenerate ſtate, preys on his own kind.

It may be urged, that ſome of theſe *ſons of rapine* might act the *hypocrite*, and feign a reformation. It might be ſo: but others would judge with ſagacity, and the criminal would cheat himſelf moſt. Many a man who has been an *infidel in bad company*, *has believed when alone*—and *that* may be accompliſhed by time and perſeverance,

verance, and a ſecluſion from the objects which deluded the heart and underſtanding, which would not work on the mind under any other circumſtance.

There are alſo ſome, who perchance might be won, better by ſocial intercourſe than *Solitude*.—But how are we to know the heart? And who could they be truſted with, till they gave ample ſatisfaction of their ſincerity? It would be folly to confide in offenders, on their own words, at the hazard of turning a *Penitentiary* into a *den of thieves*.

To guard this inſtitution at every point, *reformation* muſt be ſought by religious inſtruction; and the leſſons which the *offender's* own heart would teach him in ſolitude, would diſcover that he is ſtill indebted to *ſocial* obligations, and the *duties of man to man*, according to their reſpective circumſtances.—In ſpite of his partiality for libertiniſm, he would diſcover that our conduct towards criminals has long

long worn an aſpect, devoid both of true *religion* and *humanity*. Whatever our intentions may have been, in times paſt, it is apparent by the effects, that heaven and earth frowned upon us. This is not the language of *enthuſiaſm*, but of ſenſibility for the diſtreſſes of human nature, and belief in chriſtianity. My object is not to reproach for what is paſt, but to encourage a reform for the future; not only in him who violates the laws of man, by *rapine*; but alſo of him who neglects to offer the tribute of piety and compaſſion. If the exerciſe of ſound reaſon and faith, in the one true God, the Friend, the Father, the Protector of the wretched, who diſtinguiſhes offences with unerring wiſdom, can lead us in the right way, let us follow That reaſon and faith.

To be omiſſive in a duty which concerns the honour of God, and the ſafety and happineſs of our country, is to be guilty

guilty of a ſin againſt both. To ſit in judgment, and not diſtribute juſtice, with an eye of tenderneſs to a fellow-creature, with the utmoſt exertion of the powers of the underſtanding, and the heart, is one of the offences we have ſuch reaſon to deplore.

The heart of man can be known only to him who made it: But in many caſes we may form ſuch an opinion, from experience, as will ſupport the doctrine of *repentance*, as neceſſary to render a man happy in himſelf. Faith and Hope, and the Charity growing from it, in this *chriſtian* land, ſeem neceſſary to teach an offender what chriſtianity means, in order to render him a *good ſubject*. "The fear "of *God* is the *beginning* of wiſdom." It is, therefore, neceſſary to eſtabliſh a ſeminary for teaching offenders what is their duty to *God*, as well as *man*. A moſt reaſonable and religious proviſion is accordingly *propoſed*, by "*re-*

"*ligious inſtruction, and well-regulated* "*labour in Solitary Impriſonment.*" Let this be calculated to anſwer the purpoſe, that, for the ſame reaſon, it may be executed in a judicious manner. As the Act now ſtands, its purity appears to be vitiated, and the ſimplicity of the deſign rendered ſo *complex*, that it cannot anſwer the end propoſed. In one view, it is the moſt pious and humane Act that was ever framed in any country, as to its object; in another, under the regulations propoſed, of a ſeparation at night only, it cannot anſwer the purpoſes of which it bears the name.

The principle is to *prevent* the ſpilling men's blood; to guard their property; to deliver human nature from the diſgrace of ſuppoſing it neceſſary to extinguiſh one man's life, that another's horſe, or cow, or purſe, may not be taken from him. It ſuppoſes men to be *ignorant and untaught*; ſhall we not then uſe the rational means

means of inſtructing them?—We conſider men as hurried into offences by *bad company*; ſhall we not remove them from it effectually?—If they have been agitated by *impetuous paſſions*, to commit crimes, ſhall we not employ the *beſt means* of reſtraining them?—If our *penal laws*, and the conduct of priſons, are grievouſly deficient, ſhall we not uſe the moſt effectual means to ſupply their defects?—If we halt between two principles, and refine away the eſſence of a good deſign, we ſhall fruſtrate our own purpoſe, and make the laſt evil greater than the former, in as much as we have ſo much greater light. As the Act now ſtands, can it be executed, to harmonize with its leading principles of "*well-regulated labour*, "*and religious inſtruction in Solitary Im-*"*priſonment?*"

The greateſt events generally originate in cauſes which the common run of mankind conſider as trivial. I hope, my Lord,

Lord, this Act will be ſo amended, as to render it a real antidote againſt the poiſon which has reached the vital part of our happineſs, in the morals of the people.

I have often been in the chambers, and in the fields of miſery, and think a portion of it will prevail; but without indulging any prejudices, except on the favourable ſide, I have reaſon to believe, that rectitude of manners have yielded to refinements, which have produced much *infidelity*, and tainted the common people, particularly in theſe great cities. This, my Lord, is the ſcene of the effort propoſed; and I am confident, that nothing can be ſo well calculated to accompliſh the great purpoſe in view, as *real* ſolitary impriſonment, and religious inſtruction, ſupported by well-regulated labour: but it would be a mockery to call that *Solitary Impriſonment*, which is not ſo.

Let the convict have his time *employed* in *labour*, *relieved* by *devotion*, and *comforted*

forted by *reſt*, it will work a change in his affections; and when he returns into the world, he will do *good*, inſtead of *evil*, and bring about That reformation, which it is not probable will come from thoſe, who, being intoxicated by proſperity, wallow in the filth of voluptuouſneſs.

It is reaſonable to believe, that *one* offender reformed, going into the world, will reform others, and *prevent* many from offending. This is propoſed by the Act; but if offenders in priſon continue to aſſociate, the œconomy will claſh, and the *terror* of *Solitary Impriſonment*, will yield to the convulſions of a *common priſon*. "Juſtice will be plucked from her *awful bench*: her ſword, which ſhould "guard our ſafety, will ſtill be blunted:" and we ſhall continue to mourn!

Whatever the fears of the wealthy may have been, in forming *penal laws*, the Act in queſtion, if not *amended*, will not

not go deep enough to *prevent the evils dreaded*. *Salutary diſcipline* may prevent the worſt of crimes; but it muſt be underſtood, and be really *ſalutary*, energic, and calculated to convince the offender, *that we know our own meaning*, and *determine* to maintain the *intereſt of moral rectitude*, and the peace and ſafety of the community.

Solitude has been always conſidered as a *faithful friend*, and *generous ally* to mankind, in contending with the evil principle in their own hearts.—And when this evil ſprings from communication with the wicked, it is not a *partial abſtinence*, but a manly energy, to avoid bad company, which can accompliſh a cure.—If, in common life, we know this to be true; and that, if we allow ourſelves a *little indulgence*, the taſk becomes more difficult, than if *we reſolutely cut off the connection*; how much more difficult would be the taſk among partners

in

in *violence* and *rapine*, who dread nothing, ſo long as they can ſupport each other.

As a *man*, a *ſubject*, and a *chriſtian*, I am a friend and advocate for "*religious* "*inſtruction, and well-regulated labour in* "*Solitary Impriſonment*," as the act at ſetting off promiſes; nor is it deficient in regard to the preſervation of the *body*, by *food* and *raiment*; but it leaves the *ſoul ſtarved* and *naked*; it makes proviſion for *comfort*, by airing in the *day*, but confines too narrowly at *night*; it cuts off no connection of *evil acquaintance*; it furniſhes no guard of *reputation*, even though a man were *entirely reformed*. The amendment of the act calls for *zeal*, *benevolence*, and *pious care*. I am, with the greateſt reſpect, My Lord,

Your Grace's moſt humble
and moſt obedient ſervant,

Nov. 1780. *For my Country.*

XXXII.

The Humanity of our proceſſes againſt Criminals. The ſuppoſed cauſes of the ſevere complexion of our Penal Laws. The neceſſity of further Laws and Regulations.

To JONAS HANWAY, *Eſq;*

Alme ſol, curru nitido diem qui
Promis et celas, aliuſque et idem
Naſceris; poſſis nihil urba Roma
Viſere majus.

HOR. Car. Sec.

SIR,

I TAKE the liberty to addreſs the following thoughts, upon the ſubject of our penal laws, to you, for two reaſons; firſt, becauſe I know that nothing which concerns humanity is foreign to you, and that your zeal is indefatigable in the ſervice of your fellow-creatures; and, ſecondly, becauſe you have lately exerted that zeal on this particular ſubject. I

have read your late publication, and am ſo well convinced of the expediency of the method therein propoſed, that I wiſh earneſtly, before I quit the ſtage of life, to ſee it in ſome form or other carried into execution.

The devaſtation committed on the lives of our fellow-ſubjects, by public executions, and the little efficacy they have to ſecure the properties of the honeſt, have long been very juſtly complained of. The common reaſon given for it is, that our countrymen are of a more daring diſpoſition than their neighbours. If this be true, it is to be lamented, that means have not been found to direct that diſpoſition in the track of virtue; the ſame temper of mind which leads men to hazard every thing in contemning laws, would, if properly cultivated, urge them to do wonders in ſupport of them: but I truſt I am not ſingular in my opinion, that one great encouragement of robbers

is, our laws *being ſo ſevere that they cannot be put in execution.*

The method of trial for offences againſt the public, which our laws direct, is, perhaps, the moſt perfect that human prudence can ſuggeſt, or that human imperfection is capable of executing; but the puniſhments allotted for the perſons convicted, are uncertain; do not make a due diſtinction in crimes; and are, in general, beyond all meaſure, cruel *. Without entering into the queſtion ſo long diſputed, of the right which communities have of condemning to death, it may ſurely be ſaid, that this right ſhould be executed with a due regard to the value of life, and never but on the moſt urgent occaſions. Cuſtom, perhaps nature, authorizes our killing the brute creation; but cuſtom can never reconcile, or nature warrant, the wanton exerciſe even of *that* power.

It muſt be obvious to every one who thinks,

* He means rather *severa*, even to death.

thinks, that as the manners of a people grow refined, the laws ſhould relax in their ſeverity; but our laws have been ever increaſing in ſeverity, as our manners became poliſhed, inſomuch that the *acme* of our politeneſs, and of the cruelty of our penal laws, may, perhaps, be cotemporary.

It would lead me too far to enquire the reaſons of the ſeverity of our laws; many of them have been made to check ſome reigning diſorder; and, by the remiſſneſs of legiſlature, have been ſuffered to remain in force after the end for which they were enacted, had been attained. The puniſhment provided by the Jewiſh law, for theft, was reſtitution; and this, perhaps, is, in the eyes of reaſon, the proper one; but, unluckily, thoſe who prey upon the property of others, have ſeldom any of their own. Death, however, as it is the higheſt puniſhment man has a right to inflict, ſhould be reſerved for the moſt

flagrant crimes: but how different our practice! Stealing privately, from the perſon, to the value of *twelve-pence*—in a dwelling-houſe, to the value of *forty ſhillings*—from a ſhop, &c. to the value of *five ſhillings*—or on the highway, to *any amount*.—To all theſe our laws appropriate the ſame puniſhment which they inflict on him, who forces his neighbour's dwelling in the night, rifles his property, and violates the chaſtity of the partner of his boſom. By our laws, a man may ſteal *from a field* to the value of thouſands, and eſcape, to ſuffer death for ſtealing a handkerchief *from the perſon*. It is too painful, too tedious a taſk, to enumerate the many offences for which the puniſhment of death is provided: he who, at any advanced period of life, can look over the dreadful catalogue, without congratulating his fortune for being able to do ſo, muſt indeed have a great opinion of his own integrity. I think twelve-pence was made

made the price of life before the time of the Conqueror; well then might Sir H. SPELMAN exclaim, "that while every "thing neceſſary for the preſervation of "life was riſen in its nominal value, and "become dearer, life itſelf had conti-"nually grown cheaper."

It may be anſwered, that theſe ſevere puniſhments are not always inflicted; but the remiſſion of them in ſome inſtances, occaſions as great an evil: laws ſhould be ſo certain, that any man may know, if he commits a certain crime, a certain puniſhment will inevitably be inflicted on him; and if our laws were leſs ſevere, this might be the caſe. As they now ſtand, too ſevere to be invariably executed, their incertainty is finely calculated to make *hope*, *that cordial of heaven*, the means of enticing men to *deſtruction*; to perſuade the irreſolute, that if he robs, he may not be detected; if detected, the injured perſon may be compaſſionate; if

proſecuted, he may eſcape; and, if condemned, his Sovereign is merciful. Hope may indeed, with reſpect to the robber, be ſaid to follow through, nor quit him till he dies.

If our puniſhments were leſs ſevere, they would be more certain, which would give them a greater effect: *juries* would not then *ſwear* articles of the value of *pounds*, worth but *ten pence*; and the feeling heart of our Sovereign would not be hurt at the exerciſe of *that* great but diſagreeable prerogative of his ſtate.

It is, I confeſs, much eaſier to put the thief to death, than to make him *honeſt*; but while it is poſſible, it ſhould certainly be attempted.

What effect your mode of *Solitary Impriſonment* may have, I know not; and indeed, as I have not heard *of any reſolution made by the commiſſioners under the Act*, I begin to fear I ſhall not live to ſee any

any good effects from it. But we ſhould *never deſpair.*

I am, Sir,

With great reſpect,

Yours, &c.

Nov. 18. *Proculus.*

XXXIII.

XXXIII.

To Sir THOMAS CHARLES BUNBURY, * *Bart.*

Comments on ſeveral parts of the Act for the Solitary Impriſonment of Convicts; and the Benefits which might accrue from the Amendment of its defective parts.

SIR,

IN the beginning of the laſt year, previous to the paſſing the Act for the puniſhment of *convicts*, I wrote to you a *ſeries of letters*, on the benefits of *Solitary Impriſonment*; and you received them with great politeneſs. The execution of that Act being ſuſpended, I thought it might be of uſe to correct and arrange thoſe letters; preſuming, that the principles on which they were founded, would ſtand the teſt; and that the method propoſed, was the

* Vulgarly Sir CHARLES, but really Sir THOMAS CHARLES.

the *moſt effectual* one that could be deviſed. At the ſame time, I thought it proper to add the copies of what has been written to me, under different ſignatures, on the ſubject of our *penal laws*; and alſo of letters under the ſignature of *For my Country*, addreſſed to the *Archbiſhop of* CANTERBURY, *as metropolitan of England*, in relation to the *religious inſtruction promiſed* in the Act. This writer treats the ſubject with zeal and knowledge. He ſuppoſes, indeed, the object is to be maintained on principles of real ſolitude, ſupported by *well-regulated labour and religious inſtruction*, acccording to the preamble of the Act; reaſoning *politically*, *morally*, and *theologically*; defending his argument on the nature of the human mind, the genius and temper of our fellow-ſubjects, and the peculiar undiſciplined habits which prevail amongſt us.

But he is ſo enamoured with the *fair face* of his object, that he takes but little notice

tice of its blemiſhes, till his *fourth* letter: in this, and the ſubſequent epiſtle, he diſcovers, that this miſtreſs of his, from whoſe virtues he expected great happineſs, had been crippled, having no legs to ſtand upon; and, being awakened from his *Elyſian* dream, he finds ſhe is permitted by her *parents* to keep ſo much *bad company*, that there is a moral certainty ſhe will become as arrant a proſtitute as any of her relations have been; and, if not put under a courſe of *alteratives*, ruin her conſtitution, and might as well have been ſtifled in her birth.

I muſt confeſs, for my own part, I was much *ſurprized*, as well as *mortified*, to find ſome parts of the Act differing ſo much from others.

In folio 1390, it is ſaid, "And where-
"as, if many offenders, convicted of
"crimes for which tranſportation hath
"been uſually inflicted, were ordered to
"Solitary Impriſonment, accompanied
"by

" by well-regulated labour, and religious
" inſtruction, it might be the means,
" under Providence, not only of deterring
" others from the commiſſion of the like
" crimes, but alſo of reforming the *indi-*
" *viduals*, and inuring them to habits of
" induſtry," &c.

Would not any reaſonable man conclude from hence, that the main points were ſecured, by the *convicts* being ſentenced to work *alone*; living and abiding, lodged in certain good, proper, and ſufficient lodging rooms *alone*; running no hazard from any kind of evil communication; that, being put in a proper ſtate to receive *religious inſtruction*, and having *their labour well regulated*, we might hope to ſee the *reformation* intended.

Being alone, they would ſo much the more eaſily learn to repent of their offences paſt; and the impreſſion which ſuch a ſtate would make on their minds, could not be eaſily worn off. Many of them would

would be penitents in the trueſt ſenſe of the word; and being kept out of the ſociety of evil companions, whenever they ſhould be reſtored to the world, others, *by thcir example*, would learn to abſtain from ill; and the reformation of the *individuals* alluded to in the preamble, would really comprehend the good purpoſe the legiſlature meant to promote.

But when I ſaw (fo. 1439) how the *convicts* were to be mixed and aſſociated, and ſeemingly undiſtinguiſhed, as to their abilities in well-regulated labour; alſo how impracticable it would be to *inſtruct* them familiarly, and in ſuch a manner as to make a laſting impreſſion; it ſeemed as if the whole ſtructure, built with *one* hand, were pulled down with the *other*; and that *cuſtom*, generally acting tyrannically, had *terrified* the friends of this ſalutary enterprize, and changing its current, it had over-run its banks, and *deſtroyed* the fields

fields intended to be put in a flouriſhing condition.

It is ſaid, "And be it further enacted, "that ſuch offenders as ſhall be ſent to "either of ſuch penitentiary houſes, ſhall, "*during their hours of reſt*, be kept en- "tirely ſeparate and apart from each "other."—

To be kept, *during their hours of reſt*, entirely ſeparate, implies, that they were not to be ſeparated at other times. It immediately occurred to me, that the coercive ſolitudinary part would ſerve only to mortify and diſtreſs, but not to open their underſtandings, amend their principles, or promote that *well-regulated labour*, which, in the conſtitution of human nature, might be expected to flouriſh in ſolitude. I feel this reaſoning from the tenor of my own life; for had I given way to the prevailing diſſipation of the times, I could not have done half ſo much work. In this view, I am perhaps the better

the better qualified to plead the cauſe of thoſe who may be greater offenders, in ſome inſtances, than myſelf.

If the *convicts* were intended to be in Solitary Impriſonment, for the purpoſes of being better inſtructed in religion; or, if you pleaſe, to be humanized, and taught, by diſcipline, to behave well in the world, ſobriety and repentance being out of the queſtion when men are aſleep, I am induced to believe, that, upon *maturer deliberation*, this part of the Act will be amended.

The ſame ſection goes on; "and be "lodged in *ſeparate rooms or cells*, not "exceeding twelve feet in length, eight "feet in breadth, and eleven feet in "heighth; nor leſs than ten feet in "length, ſeven feet in breadth, and nine "feet in heighth; and without any win-"dow within ſix feet of the reſpective "floors; which rooms or cells ſhall be "dried, or moderately warmed, in damp

"or

" or cold weather, by flues from the fires " in the kitchens, and other public fires " belonging to each houſe."

Here is a very humane and ſalutary intention, with regard to dry apartments and warmth in extreme cold weather; ſuppoſing ſuch ſmall apartments ſhut up, in order to be warm, might at the ſame time enjoy *ſweet air*. I muſt alſo obſerve, that if the offenders were ſent to their cells when the labour of the day is finiſhed, they might be ſhut up for *fourteen hours* in the *winter*, without room to move, above twelve feet; and in the *ſummer*, at leaſt *twelve* hours, which are *five* more than is neceſſary for ſleep, conſequently ſo many would be taken from their labour were they inclined to work.

Being lodged in *proper rooms for ſolitude, labour, pious inſtruction*, and a happy œconomy in the awfulneſs of ſuch a penitentiary, every thing that is good might

be hoped for; whereas in the preſent caſe, every thing *evil* might be *feared*.

The ſame ſection goes on; "And the "ſaid offenders ſhall alſo, during their "hours of labour, in caſe the nature of "their ſeveral employments will permit, "be in like manner kept ſeparate and "apart from each other."

Here the *ſeparation* is conſidered as ſecondary to the employment; the mixture, in regard to *meals*, *devotion*, and *airing*, being left unguarded. Many employments of the moſt beneficial kind to the offender himſelf, and to the community at large, admit of working *alone*; all the convicts, I believe, might be ſet to labour *alone*.—But where *could* they be, to work ſeparated? In working rooms? Then there muſt be as many ſuch working rooms as cells, which would make two rooms neceſſary to one perſon, and involve the building and œconomy in a labyrinth of difficulties.—It proceeds,

"And

" And, where the nature of the em-
" ployment may require *two* perſons to
" work together, the room in which ſuch
" two perſons ſhall work, ſhall be of
" ſuitable dimenſions."—This implies, *working-rooms* diſtinguiſhed from *cells*. For inſtance, were two men on the ground floor to work in a *ſaw pit*, ſuch pit might be prepared; but whether it would anſwer the great purpoſe for *two* to be together, is the *queſtion*: And if there were many ſuch pairs, there muſt be as many rooms; and this would require *three hundred* rooms, all totally unneceſſary, on the plan of *fit and proper lodging rooms*, for real ſolitude in impriſonment.

It goes on, " And if the nature of the
" work, wherein any ſuch offenders ſhall
" be employed, ſhall require the labour
" of *many perſons*, at one time, a *common*
" work room, or ſhed, ſhall be allotted
" to them for that purpoſe."—Here we come within the confines of *ſtill greater*

danger. Many, is indefinite, and common room, comprehends an ability to receive a great number. What then would become of *the Solitary Impriſonment?* And who is to guard the *number*, and prevent their daring attempts? It is ſaid, that, "during the time the offenders are em-"ployed in ſuch common work room, "or ſhed, the *governor* of the ſaid houſe, "or the *taſk maſter*, or *one* or more of "their ſervants or aſſiſtants, ſhall be "conſtantly preſent, to attend to the *be-"haviour* of ſuch offenders."

Here alſo I apprehend they might ſeize their guard; confederate for evil purpoſes; or commit further offences. And if there were a ſtrong armed force to guard them, would offenders be *dragooned into repentance?*

A plan of aſſociating offenders, cannot be, at the ſame time, a plan of "*Solitary* "*Impriſonment:*" it cannot be "religious "inſtruction:" it cannot be *well-regu-*

lated labour. The well-regulated labour required by the Act, muſt be labour regulated or adapted to ſolitude and religion.

The ſame ſection ſays, "And ſuch two "or more perſons ſhall not be ſuffered "to continue together, except during "the hours of labour and divine ſervice, "and the times reſpectively allotted for "their meals and airings."

It muſt be obſerved, that they are to have "*half an hour* for *breakfaſt*, and *an* "*hour* for *dinner*." From the appearance of this *regulation*, we may be induced to think, that they might be ſuffered to continue together in the winter at leaſt as long as it is light.—And where are they to be, when *not ſuffered to continue together?*

They are to work *eight* hours in the day, "in November, December, and Ja-"nuary; *nine* hours, in February and "October; and *ten* hours, in the reſt of

"the year."—And when they have alſo breakfaſted, dined, prayed, and *aired together*, they are to be *ſeparated*: but where are they to go?—to their cells?—The *airing* is indefinite, as to time: the ſeparation, if they are ſent to their cells, after having done their work, muſt be an act of *compulſion*, ſeemingly *wanton*, that thoſe who have talked *eight* hours to each other, ſhall not talk *nine*. Upon the plan of the Act, as it now ſtands, it may be ſafe to lodge them in cells or *rooms* in the night, but not ſafe to drive them nightly and daily, in and out.

An attempt to *reform* by any motley œconomy, unprofitable or vexatious, a *Britiſh* ſpirit, by ſuch kind of diſcipline, may be the more inclined to deſperation.

There is a benignant end propoſed to the offender, and to the community, by the preamble to the Act; but the requiſitions

quiſitions of it do not appear to harmonize.

Upon admiſſion, they are to be ſeparately kept till fit to be received among convicts (fo. 1412.) This is with a view to cleanlineſs; but here the ſolitary part alſo, by implication, totally ceaſes, and has no ſhare in the œconomy.

Diſobedience, *ſwearing*, *idleneſs*, and ſuch like, all which may be eaſily occaſioned by their being *congregated*, may (fo. 1416) "be puniſhed by a dungeon, and bread "and water." This ſavours of the old plan of rendering a priſon the *cauſe* of crimes; and augmenting the guilt of criminals.

The claſſing of priſoners (fo. 1413) when every individual ſhould ſtand or fall by his own conduct, if I underſtand what it means, *draws ſo fine a line*, it rather tends to perplex the œconomy, than to be of any real uſe.

The tranſition from the penitentiary

for male convicts to the hulks, or working on the Thames (fo. 1418) ſeems to blend two objects together, which I conceive ſhould have no connection; for unleſs a man commits a freſh crime, which, in *ſolitude*, would be hardly poſſible, he ſhould not be again arraigned before a tribunal of juſtice; but if ſuch crime were committed, he would then ceaſe to be an object of the *penitentiary*.

A recommendation from the committee, of thoſe who behave well, for ſhortening the duration of impriſonment, by the clemency of the crown, is very proper. But every offender ſhould be reminded of the neceſſity of labour; that, from his ſhare of the produce of it, he might not be expoſed to any temptation from *want*, when he returned into the world; that uſing his own diſcretion, and the aſſiſtance of his friends, he might not depend on the precarious kindneſs of ſtrangers, or *their* charity, be-

cauſe

cauſe he had been an offender, for that would operate againſt his reputation and future fortunes.

Every man is not fit for a *ſoldier*, or a *ſailor*; nor are theſe always wanted. There are various ways by which a man, who has been in Solitary Impriſonment, may again obtain credit in the world; but being known, and aſſociating in priſon, with the very perſons who might betray him, if he comes in their way, would be bad management. A woman going from the Magdalen-Houſe into ſervice, through the hands of her parent or relation, ſtands a far better chance of being well received, than if taken directly from that houſe, as I know by many years experience. After juſtice and mercy have taken their courſe, the reſt muſt be left to the parties themſelves.

With regard to the amendment of this Act; if I had a voice, I believe I ſhould give it, that every *convict* or offender,

inhabitants

inhabitants of the penitentiary, ſhould be kept in *real Solitary Impriſonment*, in rooms of ſuch dimenſions as to accommodate them for every purpoſe that could adminiſter to piety and uſeful life.

I ſay this, in the preſumption that ſuch ſcqueſtration from the world would carry with it a ſufficient degree of terror, whilſt it promoted the great purpoſe for which every penal law is provided, ſuch as reach to the deprivation of life excepted. I believe, the great majority of us is well convinced, that this would anſwer moſt effectually for thoſe who are moſt inclined to *contrition*; and moſt intimidate others, who have the ſtrongeſt propenſity to wickedneſs.

No *act* can reconcile contradictions. That cannot be *Solitary Impriſonment* where people work, eat, drink, and pray together. If all this can be done ſeparately, why ſhould it not? If as ample a proportion of airing, as the faculty ſhall deem

deem neceſſary to preſerve a man in health, may be procured in ſolitude, why aſſociate the priſoners, and confound the deſign?

As to the preſervation of the legal rights of ſubjects, with regard to the choice of the *ſite of theſe penitentiaries*; and alſo the judicial powers of the *committees*, and officers, &c. the Act carries with it an evident intention of exerciſing *juſtice* and *humanity*, ſuited to the dignity and honour of a Britiſh legiſlature. The defects of it take their riſe from blending two conſtitutions, of an heterogenous nature: I mean the *ſolitude* propoſed, and the *ordinary mode* of leaving our priſons in an undiſciplined ſtate. Nor muſt we adhere to the cuſtoms of foreigners, who are not ſimilar in manners, religion, or civil government. From the quality of our government, and the turn of our thoughts, we might have a more accompliſhed œconomy of priſons, for rational puniſhment:

puniſhment: more free from abſurdity and injuſtice, than any now to be found in other countries, becauſe we enjoy ſo much ſenſe and liberty. Whatever may be the temper of the *Flanderkin* at *Ghent*, our countrymen are more eaſily *led* than *driven*. Men who deſpiſe death, will deſpiſe every thing—except rational kindneſs, and prudent good treatment.

Repentance will have its *motives* and *ſupports*, as every other thing in the occurrences of human life; but it muſt be conſidered as the one thing neceſſary; it muſt be done; tho' if it were made to adminiſter to idleneſs, it would ſo far ceaſe to be repentance.—There is a proviſion (fo. 1414) "And the ſaid chaplain "ſhall viſit, by leave of the governor, "any of the offenders, either ſick or in "health, that may deſire or ſtand in "need of his ſpiritual advice or aſſiſtance; "provided that ſuch viſitation to ſuch "of the offenders as ſhall be in health,

"ſhall

" ſhall not interfere with their ſtated
" hours of labour."

How partial a religious proviſion is this *for ſuch offenders*, ſuppoſing it neceſſary to ſeclude them from the world, to learn what belongs to God and their neighbour! How few of *them know what they ſtand in need of*; or can know, till they are taught, and led gently into a knowledge of their condition!—And how is this to be done? Not by ſudden compunctions in ſickneſs, nor in health;—but by a uniform plan of inſtruction, removed from objects which have prevented a conſciouſneſs of " ſtanding in need of ſpiritual ad-
" vice and aſſiſtance."

We might further conſider the power, influence, and deſire of *reputation*. This ſhould be *cheriſhed*, but it cannot take root in his breaſt, who is every hour branded with infamy by the company he is in. How is he to have a ſenſe of moral obligations? Remove the companionſhip

nionſhip of immoral and diſſolute men, and offenders may be then convinced, that their *temporal afflictions* may, in the language of the ſacred writings, "work "out a more exceeding and eternal weight "of glory."

You will not imagine or conceive that I have any idea of ſo many *ſinners*, becoming religious *above meaſure*. The danger is, of trifling away the *chance of any reformation, or change of life*. It is obvious, that if the work is not done *by the means of religion*, it will hardly be done by *any other*; and therefore they ought to have the *faireſt play* we can give them, while we reſolutely contend with the powers of darkneſs.

We muſt conſult the human heart, and conſider the power of *ſolitude*, though *compelled*, exerciſing a due portion of kindneſs, and meeting the offender half-way in the great buſineſs for which he is committed to his *priſon-room*. You mean to render

render him a good ſubject, and a happy man, conſidering human nature with *reſpect*, even in the loweſt ſtages of human miſery: but in the caſe before us, let him really have the advantage which *reaſon* and *religion* point out, and his circumſtances will wear the face of *hope* and *comfort*, and brighten into joy! If he learns to be a *Chriſtian*, he will learn to be a *good ſubject*: But if he is left to the fortuitous event of "*deſiring, or thinking he ſtands in* "*need of ſpiritual advice*," I muſt confeſs, *I think*, that juſtice will not be done *him*, nor will the community be gratified in the rational hopes it entertains.

We owe it to *God*, and to our country, to go yet further. If we do not diſtinguiſh the occaſion, and quality of the offence, and the offender, we ſhall fall into the poluted ſtream of our common priſons. This *graft* on our *penal laws* may anſwer our purpoſe: but if, in the language of the ſacred writings, it does not

"bring

"bring forth fruit meet for repentance," we might as well make ſhort work, and *cut down the tree.*

If we conſult the genius of our countrymen, and the bent of the human heart, we ſhall find it neceſſary to *invite* men to a love of *virtue.* Let her be *awfully* arrayed, to enforce *reſpect*, and ſhe will be reſpected. But if ſhe is diſguiſed, or her conduct rendered *ambiguous*, what good can ſhe do? If we put theſe offenders in a ſtate, that they can have no *evil ſpirit* to contend with, but their own, their conqueſt ſurely muſt be more eaſy than if they were ſurrounded by hundreds as wicked as themſelves: iniquity encreaſes with numbers.—Can the company of the kind of people by whom they were firſt betrayed, and led into the moſt deadly ſnares, relieve them? If the habits of ſuch perſons are by no means changed, the company of each other cannot be fit nor proper: nor is it to be imagined,

that

that the minds of ſuch perſons *can* ever be changed, ſo long as they aſſociate with each other. The firſt ſtep to reformation in common life, is a ſeparation from the perſons who create the miſeries we labour under: this is human nature.

The common voice of our country, and the common ſenſe of mankind, appear to be in favour of the *terror of juſtice*, by a temporary ſecluſion from the world: for it ought to be remembered, that it is not only a companionſhip in the priſon which threatens ſo much miſchief, but alſo from *viſitors* and *correſpondencies*. You would find it difficult to provide againſt either, were the *convicts* congregated. It is known, that one notorious impoſtor, who was condemned to the *hulks*, and by the indulgence ſhewn, returned to Newgate, on the plea of want of health, being ſet at liberty by the *June commotion*, inſtead of delivering himſelf up, retired to our *enemies*, and is playing

games of ingenuity of the moſt pernicious kind.—I am well informed, that many a man has acquired his knowledge, how to do the greateſt miſchief, by his converſation with thoſe, who were his fellow-priſoners.

Let ſecluſion be tempered with the ſmiles of mercy, and rendered profitable in promoting the temporal and immortal happineſs of the offender!—And if there is any thing in life entitled to a ſerious regard; if the end of all government, amidſt the *ſhrieks* of war, or the *harmony* of peace, is the preſervation of our fellow-creatures; let us not ſuppoſe that our danger will ever ceaſe, while we *congregate* offenders!

Take the *Act* as it now ſtands; at what time, and in what place, can the ſpiritual teacher engage to confer with the priſoner, in ſuch a manner as really to give him religious impreſſions, and ſecure thoſe impreſſions? Are we jeſting about religion?

If

If the offender is not delivered from a poſſibility of being *laughed at by his companions*, for appearing to have a ſenſe of *religion*, the work cannot be accompliſhed. The ſenſible, zealous, and friendly divine, will throw his pearls before *ſwine*. In a word, if any plan, leſs than *real ſolitude*, were executed, there is reaſon to apprehend we ſhould not treat the offender *fairly*, nor *fairly* treat ourſelves.

I am *conſtant* to the reaſonings communicated to you, previous to the paſſing the Act; and now guided by many brilliant lights. The *four* letters to the pious Prelate, concur in the ſame ſentiments. I ſee no ſhadow of reaſon for any change in opinion, but the ſtrongeſt motives for adhering to it, with a *religious conſtancy*.

With reſpect to the difficulty of conſtruing what is meant by "*well regulated* "*labour*," it muſt be That which is the moſt *uſeful*, while the offender is under confinement; and alſo when he is diſcharged.

If it is That, by which he can gain the moſt; and if a conſiderable portion of it is reſerved for his own uſe, he will not be deſtitute of an honeſt ſupport, when he leaves the *penitentiary:* he will have time to ſeek ſuch employment as will keep him honeſt; and he muſt be *encouraged* in *good*, or he will fall into *evil.*

Among other clauſes in the Act, which, I humbly preſume, will be *amended*, we may conſider theſe:

1. The powers given for ordering and executing the building: theſe now appear too diffuſe and indeterminate.

2. There is no ſecretary, clerk, or any ſuch perſon, appointed, even to keep a *minute book*; to iſſue ſummons for meetings; or do any other neceſſary buſineſs whatſoever.

It ſeems neceſſary to recur to *experience*, in the eſtabliſhment of a new inſtitution; therefore

3. A *corporation*, whoſe object is of ſuch magnitude

magnitude and importance, requires a good form of authority.

4. A *treaſurer* is a neceſſary officer.

5. It appears to me, that a preſident, four vice preſidents, and a committee of a certain number, will be neceſſary.

Buſineſs is generally beſt done by a *few*; but it is inherent in our conſtitution, to guard every department by a number; that in caſe of need, when one zealous, active member drops, another may be found to fill up the gap.—I believe this inſtitution would derive a ſtability from this kind of conſtitution, better than by confining it to a ſmall committee only.

If the Act marks out the proper outline, authority for enacting *bye-laws* will render the execution familiar. But if this propoſal ſhould not meet your opinion, nor the ſentiments of parliament, it makes no difference, as to the principle of *real ſolitary Impriſonment*.

6. Not leſs than three *committes* ſhould make a quorum, and none of theſe to be officers who receive ſalaries.

7. The money impreſt, or belonging to the corporation, ſhould be lodged in the Bank; not to be drawn upon but by the treaſurer, in conjunction with two of the committee, in committee, and for ſervices ſpecifically laid before them.

8. To ſupport the dignity of the inſtitution, with regard to the cautious conduct, which ſeems to be a neceſſary appendage, the viſitors appointed, I apprehend, ſhould be confined to a ſmall number, annually choſen, the preſident, vice preſidents, and governor, being always a part of them. It will not be an office coveted by any who want *ſentiment* or *knowledge*; but it will be a ſafe duty, compared to our *common priſons*. This *penitentiary*, if the offenders have competent lodging rooms, will be as healthy as any other houſe, provided you give the priſoner the common

common bounties of Heaven, in abundance of good water and good air.

9. An enterprize of ſo ſerious a nature, ſhould be eſtabliſhed on a regular, deep foundation; and That form which has anſwered and given ſtability in other inſtances, may anſwer in this: the buſineſs will ever be managed by a few; but the ſucceſſion muſt be preſerved.

10. The *number and quality of the ſervants*, indiſpenſibly neceſſary for the happy conduct of ſuch an inſtitution, requires a latitude to be given to the *committee*.

We are now to ſhew the world, that we yet poſſeſs *reſolution*, *ſenſe*, and *virtue* enough to amend the *Act*, and carry it into execution; making ſuch a vigorous conſtruction of the letter, as harmonizes with the *ſpirit* of it; not repreſenting That as *viſionary*, which common ſenſe ſubſcribes, and common reſolution vindicates. You muſt be *determined!*

Nor ſhould the Act admit of penurious

conſtructions. It will be noble, uſeful, honourable; or, diſgraceful, uſeleſs, and diſhonourable; juſt as you ſhew reſolution to ſubdue the hydra *our preſent ſtate.*

It is a child of the legiſlature; and I will venture to ſay, a darling of the people, at leaſt among ſuch as give themſelves time to inveſtigate ſuch objects. For Heaven's ſake let it be cheriſhed at the breaſt of the parent, and diſappoint not the hopes of the children; that we may *make this noble effort* to do our duty as *ſubjects*, as *men*, and as *chriſtians!* Let us look forward with a calm, undaunted ſpirit, while we invoke the great Parent of mankind *to ſave us from ourſelves!*

I am,

Sir,

Your moſt obedient,

faithful ſervant,

Dec. 26, 1780. *Jonas Hanway.*

XXXIV.

XXXIV.

To Sir THOMAS CHARLES BUNBURY, *Bart.*

Obſervations on the ſentiments contained in Proculus's *Letter to J. Hanway. The propriety and continued neceſſity of Penitentiaries, or Solitary Impriſonment, to correct the enormous violences which prevail in this nation. Concluſion.*

SIR,

I WAS preparing to finiſh my intended Publication, when the epiſtle from PROCULUS * came to my hands. Who he is I know not; but if you move *for the amendment of the act*, and exert yourſelf, in your ſtation, with the ſame ſteadineſs as I am conſtant, in my humble line, I ſhall think *you* have the beſt title to the *commendatory part*. His letter is replete with

* Page 210.

with affection for the cauſe of virtue and humanity; and worthy of the *gentleman*, the *lawyer*, and the *Chriſtian*.

You will obſerve, that he ſets off by applauding the enterprize of *Solitary Impriſonment*; but, in the cloſe of his letter, entertains a fear, that the delay will fruſtrate the deſign. I rather hope it may be a means of amending the act ſo effectually, as to render it practicable in a more judicious, firm, and durable manner; the more tender towards the *offender*; and much the more ſecure for the community.

He expreſſes ſome ſurprize, that our *Penal Laws* ſhould have multiplied, and become ſo much the more rigorous, as our manners have been *poliſhed*. We *are* poliſhed; but, alas! we have introduced ſuch refinements in manners, and ſuch embelliſhments of life, as operate againſt *morals*. *Politeneſs* cannot mean an improved ſtate of morality, or a higher ſenſe of divine or human

human laws; for then puniſhments would *decreaſe*, and be leſs neceſſary.

The cultivation of arts, which ſometimes takes the name of *politeneſs*, do not ſtrengthen the genuine purity and ſimplicity of the mind, ſo much as they inflame the imagination with numberleſs fantaſtical deſires; to gratify which, the boundaries of morality and religion are ſo often beaten down; *and even wars enſue!*

As voluptuouſneſs has encreaſed in higher life, *piety* and *ſimplicity* have decreaſed, in the lower ſtations. And what has been the conſequence? The vulgar have followed the *example*, as they ever will do; and as the effects have been ſorely felt, by *theft* and *violence*, with us *penal laws* have been multiplied.

At length thoſe *penal laws* themſelves are become a nuiſance, in proportion to their inactivity; and becauſe they are *too rigorous*, and known to be inert, they become the inſtruments of corrupting the morals of

of the people. This ſeems to be a paradox, but the events of every day juſtify the opinion.

To make death the penalty of *one hundred and ſeventy diſtinct offences*, ſeems to be hardly credible! Our tempers and diſpoſitions revolt againſt ſuch laws, becauſe they are ſevere beyond the meaſure of the common ſenſe of mankind, with regard to diſtributive juſtice. Accordingly, we ſee them treated by the offender, and the offended, as this writer judiciouſly deſcribes, as having, in a great meaſure, loſt their energy.

In the mean while, the luſt of the eye, and the pride of life, have ſo alienated our affections from the charms of internal purity, we generally act as if "man's life "conſiſted in the abundance that he poſ-"ſeſſes;" and though, as a nation, we are not ſingular in this reſpect, yet in proportion to our ſuperiority in civil and religious rights, this paſſion, ſo repugnant

nant to the *glorious precepts* of our religion, and conſtitution, is the more horrible.

The *great vulgar*, having the means of gratifying their paſſions and appetites, do it with impunity; except that exceſs often creates ſatiety, and ſometimes deſpair of the ſweet comforts that virtue affords, and *many hang themſelves*. The *little vulgar*, ſeeking the means of theſe gratifications, at the hazard of their necks, numbers die in a halter, while thouſands find *death* in the *foul diſeaſe!* Still it ſeems more eaſy to accompliſh a reformation of the *poor* rogue, than the *rich* one; granting the *influence* of the opulent, contrary to vulgar opinion, is aſſiſtant in keeping mankind within certain bounds.

In regard to the diſſoluteneſs of the times; many events, within the compaſs of my experience, lead me to think it hath encreaſed. I not only ſee a propenſity to pride, and impatience of controul, but

but alſo to the gratification of appetite, coſt what it may.

If any thing can be gathered from the Bills of Mortality, I have remarked, that the number dying of conſumptions, was uſually about 3,000 in 22,000: but in 1780, I obſerve it is 4,889 in 20,517. The *ſmall pox* is but 871, which uſed to be near thrice the number. Upon conſulting ſome eminent phyſicians, they agree, that although conſumptions cut off ſome of the moſt innocent, and moſt beautiful of the human race, and the preſent relic of the *foul diſeaſe* now well underſtood; yet that *conſumptions* are often contracted by promiſcuous commerce; and that the libertiniſm of our youth points to the grave.

From various cauſes ariſe the neceſſity of a *new*, more rational, and religious mode of puniſhing, at leaſt thoſe who, to gratify their vices, commit *violence*; and this is *Solitary Impriſonment*, ſupported by *well-regulated labour*, to obtain a habit

of

of virtuous induſtry, and *religious inſtruction*; that the offender may learn, he is not to die like a dog; but, in ſpite of his *irrational* conduct, is a rational and accountable being—a ſon of *immortality!*

It is high time to reſtore peace and ſafety to our bleeding country, with reſpect to domeſtic *civil polity*. Humanly ſpeaking, this is in our *power*; and as it is one of the choiceſt gems in the diadem of *liberty*, to ſuffer her to be deſpoiled of it, *for want of reſolution*, would be, in the higheſt degree, inglorious. If we temper the frowns of juſtice with the ſmiles of mercy, we ſhall give *dignity to puniſhment*; and, dreſſing *Charity* in her moſt attractive garb, captivate the hearts of thoſe, whoſe depredations have ſo long and ſo ſorely created terror *in ſober life*.

As to the preſent ſtate of our *penal laws*; one writer obſerves, "They may "well be ſaid to have been *uſeful* to "none but *executioners!*—To other par-"ties they have been not only *uſeleſs*, but "*injurious*;—

" *injurious*;—injurious to *culprits*, as aim-
" ing at their *condemnation*, inſtead of their
" *correction!*—injurious to the *community*,
" —ſuffering from the conduct of thoſe
" culprits, by depriving the ſtate of that
" *reparation*, which the *moſt culpable* life
" (if not cruelly fore-ſhortned, or clum-
" ſily degraded) if ſpent in well-ſelected
" labour, is always able to impart."

If a man is cut off by the hand of the executioner, or rendered *deſperate*, the ſtate indeed muſt ſuffer.

He further remarks, " The *Penitentia-*
" *ries*, if eſtabliſhed on the large and li-
" beral plan of *Chriſtian policy*, will be a
" moſt ſalutary *appendix* to our *penal laws*.
" —There muſt be ſpace for *ſolitary la-*
" *bour*. The œconomy, as to *abſtemiouſ-*
" *neſs*, muſt in no inſtance be vitiated;
" proviſion muſt be made for *eccleſiaſtical*
" *conſolation*:—and *then* theſe houſes will
" be what they pretend to be, but no
" more than they ought, Penitentiaries
" *indeed*,—

" *indeed*,—the *refuge* of *ſtray* ſouls—they
" will be reſpectable in the eye of *religion*
" and *civil law*—they will ſave the *blood*
" of our countrymen, and improve their
" *everlaſting treaſure*."

By " *Chriſtian policy*," I ſuppoſe the author means the art of governing on *Chriſtian principles*; and it is very obvious, that in a *Chriſtian* country, other principles are equally pernicious and deceitful. *Genuine Chriſtianity*, promoting the trueſt good, becomes the higheſt wiſdom of a *ſtate*.

In regard to *ſpace for ſolitary labour*; I preſume he adheres to the principle of *lodging rooms*, of competent ſize for exerciſe, light, air, and all the purpoſes of life;—not cells merely for ſleeping in.

Whatever regard may be ſhewn to *youth* or *age*, *temper* or *education*, the utmoſt caution is neceſſary not to depart from this principle of *ſolitude*. This is the *terror* of *offenders*: this is the *medicine* to cure them:

of this it is almoſt impoſſible they ſhould be long inſenſible; but ſubmitting patiently, take advantage of the ſolid good intended them.

In this ſolemn hope I ſubmit my thoughts to your mature deliberation; *praying*, that whatever ſhall be done, may be the beſt for our country!

I am, Sir,
Your very faithful
and obedient ſervant,

Dec. 27, 1780. *Jonas Hanway.*

THE END.